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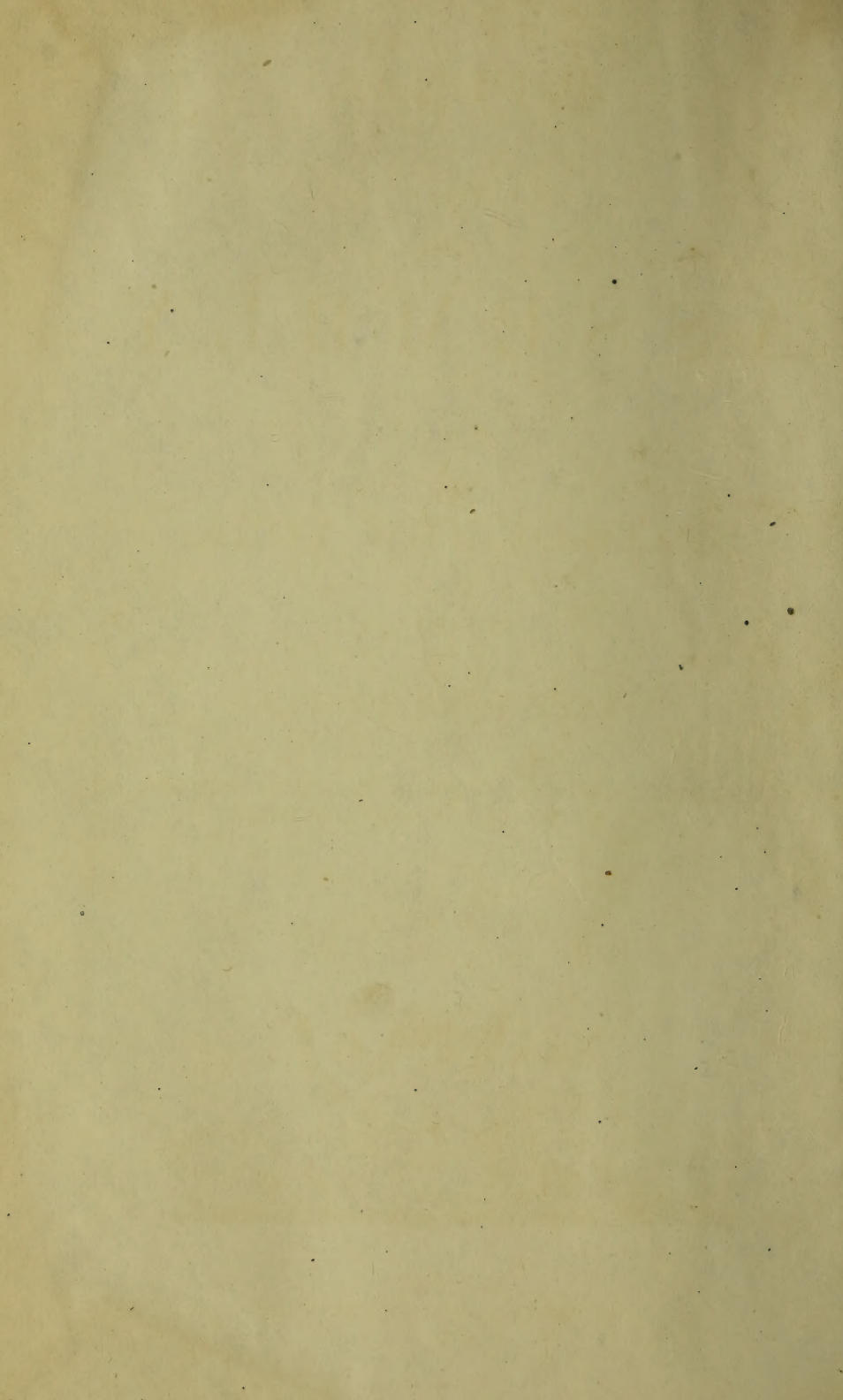
STATE OF NEW YORK

NINETY-FIFTH SESSION

1877-1878  
Held at the Capitol in the City of Albany  
January 15, 1877

VOLUME I

ALBANY:  
JAMES B. LEECH, PRINTER.  
1877





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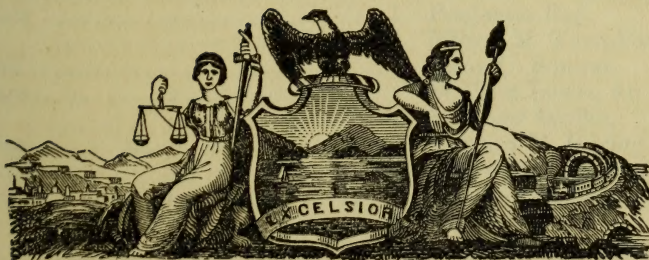
AT THEIR  
NINETY-FIFTH SESSION.

BEGUN AND HELD IN THE CAPITOL, IN THE CITY OF ALBANY, ON  
THE SECOND DAY OF JANUARY, 1872.

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VOLUME I.

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ALBANY:  
THE ARGUS COMPANY, PRINTERS.  
1872.





## JOURNAL OF THE ASSEMBLY.

## STATE OF NEW YORK:

## ASSEMBLY CHAMBER, IN THE CITY OF ALBANY,

TUESDAY, JANUARY 2, 1872.

Pursuant to the sixth section of the tenth article of the Constitution of this State, the gentlemen whose names are given in the following list appeared in the Assembly chamber. The said list contains the names of the representatives elected to the Assembly in the several districts, for the current year, as certified by the Secretary of State, viz.:

| County.                   | District. | Name.                 |
|---------------------------|-----------|-----------------------|
| Albany .....              | 1         | Stephen Springsted.   |
|                           | 2         | Henry Smith.          |
|                           | 3         | Daniel L. Babcock.    |
|                           | 4         | George B. Mosher.     |
| Allegany .....            | ..        | William W. Crandall.  |
| Broome .....              | ..        | William M. Ely.       |
| Cattaraugus .....         | 1         | Commodore P. Vedder.  |
|                           | 2         | Enoch Holdridge.      |
| Cayuga .....              | 1         | Ira D. Brown.         |
|                           | 2         | Elijah E. Brown.      |
| Chautauqua .....          | 1         | Matthew P. Bemus.     |
|                           | 2         | Jerome Preston.       |
| Chemung .....             | ..        | David B. Hill.        |
| Chenango .....            | ..        | Andrew Shepardson.    |
| Clinton .....             | ..        | Edmund Kingsland, 2d. |
| Columbia .....            | 1         | Benjamin Ray.         |
|                           | 2         | Milton M. Tompkins.   |
| Cortland .....            | ..        | Dann C. Squires.      |
| Delaware .....            | 1         | William Lewis, Jr.    |
|                           | 2         | Matthew Griffin.      |
| Dutchess .....            | 1         | Edward M. Goring.     |
|                           | 2         | Harvey G. Eastman.    |
| Erie .....                | 1         | George Chambers.      |
|                           | 2         | George Baltz.         |
|                           | 3         | Franklin A. Alberger. |
|                           | 4         | John Simson.          |
|                           | 5         | John M. Wiley.        |
| Essex .....               | ..        | Franklin W. Tobey.    |
| Franklin .....            | ..        | James H. Pierce.      |
| Fulton and Hamilton ..... | ..        | Samuel W. Buell.      |
| Genesee .....             | ..        | Volney G. Knapp.      |

| County.          | District. | Name.                 |
|------------------|-----------|-----------------------|
| Greene .....     | ..        | Augustus Hill.        |
| Herkimer .....   | ..        | Eleazer C. Rice.      |
| Jefferson .....  | 1         | Oliver C. Wyman.      |
|                  | 2         | William W. Enos.      |
| Kings .....      | 1         | David C. Aitken.      |
|                  | 2         | Edward D. White.      |
|                  | 3         | Dominick H. Roche.    |
|                  | 4         | William W. Moseley.   |
|                  | 5         | Eugene D. Berri.      |
|                  | 6         | Peter G. Peck.        |
|                  | 7         | Charles B. Morton.    |
|                  | 8         | George C. Bennett.    |
|                  | 9         | John C. Jacobs.       |
| Lewis .....      | ..        | Amos V. Smiley.       |
| Livingston ..... | ..        | Archibald Kennedy.    |
| Madison .....    | 1         | John W. Lippitt.      |
|                  | 2         | Francis A. Hyatt.     |
| Monroe .....     | 1         | George A. Goss.       |
|                  | 2         | George D. Lord.       |
|                  | 3         | Leonard Burritt.      |
| Montgomery ..... | ..        | William J. Van Dusen. |
| New York .....   | 1         | James Healy.          |
|                  | 2         | James Dunphy.         |
|                  | 3         | James Hayes.          |
|                  | 4         | John J. Blair.        |
|                  | 5         |                       |
|                  | 6         | Timothy J. Campbell.  |
|                  | 7         | Horatio N. Twombly.   |
|                  | 8         | Conrad Geib.          |
|                  | 9         | Stephen Pell.         |
|                  | 10        | Henry H. Haight.      |
|                  | 11        | Rush C. Hawkins.      |
|                  | 12        | William W. Cook.      |
|                  | 13        | George H. Mackay.     |
|                  | 14        | John A. Foley.        |
|                  | 15        | Alexander Frear.      |
|                  | 16        | Nicholas Haughton.    |
|                  | 17        | Charles A. Flammer.   |
|                  | 18        | Samuel J. Tilden.     |
|                  | 19        | Thomas C. Fields.     |
|                  | 20        | Severn D. Moulton.    |
|                  | 21        | William A. Whitbeck.  |
| Niagara .....    | 1         | Isaac H. Babcock.     |
|                  | 2         | George M. Swain.      |
| Oneida .....     | 1         | Martin L. Hungerford. |
|                  | 2         | Eleazer Beckwith.     |
|                  | 3         | George K. Carroll.    |
|                  | 4         | Albert L. Hayes.      |
| Onondaga .....   | 1         | Thomas G. Alvord.     |
|                  | 2         | Peter Burns.          |
|                  | 3         | Gustavus Sniper.      |
| Ontario .....    | 1         | Ambrose L. Van Dusen. |
|                  | 2         | Cyrillo S. Lincoln.   |



| County.            | District. | Name.                  |
|--------------------|-----------|------------------------|
| Orange .....       | 1         |                        |
|                    | 2         | Frank Abbott.          |
| Orleans .....      | ..        | E. Kirke Hart.         |
| Oswego .....       | 1         | Daniel G. Fort.        |
|                    | 2         | Thomas W. Green.       |
|                    | 3         | Chauncey S. Sage.      |
| Otsego .....       | 1         | Alfred Chamberlain.    |
|                    | 2         | J. Lee Tucker.         |
| Putnam .....       | ..        | James B. Dykeman.      |
| Queens .....       | 1         | L. Bradford Prince.    |
|                    | 2         | James M. Oakley.       |
| Rensselaer .....   | 1         | Jason C. Osgood.       |
|                    | 2         | John L. Snyder.        |
|                    | 3         | Castle W. Herrick.     |
| Richmond .....     | ..        | David W. Judd.         |
| Rockland .....     | ..        | Daniel Tomkins.        |
| St. Lawrence ..... | 1         | Darius A. Moore.       |
|                    | 2         | Dolphus S. Lynde.      |
|                    | 3         | Parker W. Rose.        |
| Saratoga .....     | 1         |                        |
|                    | 2         | Nathaniel M. Houghton. |
| Schenectady .....  | ..        | William Greenhalgh.    |
| Schoharie .....    | ..        | Peter Couchman.        |
| Schuyler .....     | ..        | Harmon L. Gregory.     |
| Seneca .....       | ..        | Peter Lott.            |
| Steuben .....      | 1         | Thomas M. Fowler.      |
|                    | 2         | James B. Murdock.      |
| Suffolk .....      | ..        | John S. Marcy.         |
| Sullivan .....     | ..        | Frank Buckley.         |
| Tioga .....        | ..        | William Smyth.         |
| Tompkins .....     | ..        | Anson W. Knettles.     |
| Ulster .....       | 1         | Robert Loughran.       |
|                    | 2         | C. Meech Woolsey.      |
|                    | 3         | Allen A. Whitaker.     |
| Warren .....       | ..        | Joseph Woodward.       |
| Washington .....   | 1         | Edmund W. Hollister.   |
|                    | 2         | George W. L. Smith.    |
| Wayne .....        | 1         | Edward B. Wells.       |
|                    | 2         | Lucien T. Yeomans.     |
| Westchester .....  | 1         | William W. Niles.      |
|                    | 2         | Albert Badeau.         |
|                    | 3         | James W. Husted.       |
| Wyoming .....      | ..        | John N. Davidson.      |
| Yates .....        | ..        | George P. Lord.        |

The members elect were called to order, at eleven o'clock A. M., by Cornelius W. Armstrong, Clerk of the last Assembly.

The proceedings were opened with prayer by the Rev. Dr. Selkirk.

The Hon. G. Hilton Scribner, Secretary of State, administered to the members present the oath of office prescribed by the twelfth section of the Constitution of this State, and the said oath was thereupon subscribed by the members.

Mr. Husted offered for the consideration of the House a resolution, in the words following:

*Resolved*, That this House do now proceed to the election of a Speaker; that the roll of members shall be called by the Clerk, and that each member as his name is called rise in his place and openly name his choice for such officer; and that after the election of Speaker we proceed to the election of Clerk and Sergeant-at-Arms in the same manner.

The Clerk put the question whether the House would agree to said resolution, and it was determined in the affirmative.

The Clerk then proceeded to call the roll of members; whereupon, each as his name was called, rose in his place and nominated as follows:

#### FOR HENRY SMITH.

|               |             |            |                |                 |
|---------------|-------------|------------|----------------|-----------------|
| Abbott        | Ely         | Houghton   | Morton         | Snyder          |
| Alberger      | Enos        | Hungerford | Moulton        | Springsted      |
| Alvord        | Flammer     | Husted     | Murdock        | Squires         |
| D. L. Babcock | Fort        | Hyatt      | Niles          | Swain           |
| I. H. Babcock | Fowler      | Judd       | Osgood         | Tobey           |
| Badeau        | Geib        | Kennedy    | Peck           | D. Tomkins      |
| Baltz         | Goring      | Kingsland  | Pell           | Tucker          |
| Beckwith      | Goss        | Knapp      | Pierce         | Twombly         |
| Bemus         | Green       | Knettles   | Preston        | A. L. Van Dusen |
| Bennett       | Greenhalgh  | Lewis      | Prince         | W. J. Van Dusen |
| Berri         | Gregory     | Lincoln    | Rice           | Vedder          |
| E. E. Brown   | Griffin     | Lippitt    | Rose           | Wells           |
| I. D. Brown   | Haight      | G. P. Lord | Sage           | Whitbeck        |
| Burns         | Hart        | Lott       | Shepardson     | White           |
| Burritt       | Hawkins     | Loughran   | Simson         | Whitaker        |
| Crandall      | A. L. Hayes | Lynde      | Smiley         | Woodward        |
| Davidson      | Herrick     | Mackay     | G. W. L. Smith | Woolsey         |
| Dykeman       | Holdridge   | Marcy      | Smyth          | Wyman           |
| Eastman       | Hollister   | Moore      | Sniper         | Yeomans         |

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#### FOR JOHN C. JACOBS.

|          |             |          |            |                |
|----------|-------------|----------|------------|----------------|
| Aitken   | Chamberlain | Fields   | A. Hill    | Oakley         |
| Blair    | Chambers    | Frear    | D. B. Hill | Ray            |
| Buckley  | Cook        | Haughton | G. D. Lord | Roche          |
| Buell    | Couchman    | J. Hayes | Moseley    | M. M. Tompkins |
| Campbell | Dunphy      | Healey   | Mosher     | Wiley          |
| Carroll  |             |          |            |                |

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Henry Smith having received a majority of all the votes given, the Clerk declared Mr. Smith duly elected Speaker.

The Clerk appointed Messrs. Husted and Jacobs a committee to conduct the Speaker to the chair.

Upon taking the chair, the Speaker arose and addressed the House as follows:

*Gentlemen of the Assembly:*

Appreciating that you have conferred upon me a distinguished honor in selecting me to discharge the duties of this place, I now return my thanks.

I realize that I am entering upon a work of grave and solemn responsibility. I shall bring to the discharge of the duties of this place my best ability. I shall endeavor to perform its functions with a single regard to the public good, and the sole desire of acting with justice and impartiality toward all. That I shall fail in some particulars I have no doubt, and I must crave your indulgence and your support as we enter together upon the duties, and the discharge of the obligations to which we have so lately taken our solemn oaths.

Such suggestions as are deemed proper in reference to legislation will, at the appropriate time, be communicated to you from the proper depart-



ment of government, but I trust you will indulge me, while I am entering upon the discharge of my duties, to make some suggestions in reference to my views of the duties of this place and of members of this House. To make laws is the highest and most responsible duty that ever was undertaken by man in his political capacity. The peace, the harmony, the prosperity, the liberty, the personal protection which we all enjoy depend upon the wisdom and propriety of legislation. It will call upon us in the discharge of this duty to exercise the highest degree of ability of which we are capable.

You and I are representatives of a great State with varied interests. Laws of a general character, laws as to internal improvements, laws as to municipalities, laws as to corporations, are required, and wherever you look, from whatever point of view you consider this question, every right minded legislator must be deeply and solemnly impressed with the awful responsibility that rests upon him; and, while it requires the exercise of the very best ability, it requires that it should be exercised with purity, and with a sole desire to the public good.

Party considerations, political considerations, private considerations, every consideration, must be made subservient to the common good of all, and I feel assured that we as a body realize these things, and that no man here will permit in a direct or indirect manner, however remote, his judgment to be affected, or himself to be swerved in the slightest degree, by any improper considerations whatever.

The wisest man and the most accomplished will find that there is demanded of him in the discharge of these duties the most constant industry, for in the time usually allotted to legislation each year in this State the wisest men on earth could not discharge its duties without the most constant and the most undivided devotion to this public duty, and I trust that all of us shall feel, that while it is a demand upon our private interests and may involve sacrifices in our private affairs, we shall realize that we are in the discharge of a high public duty, and these considerations must yield to that.

I may be allowed to say, I trust, with propriety, here, that the sessions of this Legislature, if you will intelligently consider the questions that are to come before you, must be constant through every business day. There is no time for a recess. There is no time to go home, and I trust from the time when the organization of this House shall be effected until it shall finally adjourn, every one will be steadfast in insisting that we shall keep continuously in session until we shall have discharged the duties resting upon us.

More in the way of industry is required, and, may I suggest from the little experience I have had, deferring, of course, to others who have had more experience than I have had in reference to the discharge of our duties, that it is of the highest importance that gentlemen of the Assembly should realize that when we are convened here it is for the purpose of transacting business in session, and every member will best economize his time and will best fit himself for the discharge of his duty upon final votes of questions that may be presented for consideration, if, while he is here and the House is in session, he will give his undivided attention to the proceedings that are pending before the House.

If that is generally done, there will be no occasion, as sometimes happens, to inquire of the chair what the question is, and there will be no occasion for such repeated calls of absentees on the lists. The sessions can be made much shorter and much more effective, if members, when

they come together, will realize that they come to discharge a business duty like any other, and that it can only be successfully accomplished like any other business transaction by attention to the business interests.

The successful management of the business affairs of the House of Assembly requires the aid of many subordinate officers. I think that I should express to you my views in reference to the question of these officers, because if they are entertained by a majority of the House it may involve the necessity of some pretty prompt legislation. The Legislature is the representative of the people. It has absolute power to legislate except where it is restrained by the Constitution. The House of Assembly is but a branch of the Legislature, and it has no power or authority, except where it is conferred by the Constitution, to create an office or incur one dollar's expenditure of public money.

The law provides for some of the details of the organization of this House. It authorizes the election of a clerk, a journal clerk, engrossing clerk, two clerks for miscellaneous duty, sergeant-at-arms and assistant, door-keeper and assistant, librarian and assistant, and ten messengers. Deferring, of course, to your judgment upon this subject, so far as I am left to act I shall deem myself bound by this law, and shall be compelled to respect it. If experience shall prove that more assistance is required, then let it be done according to law, and let a suitable bill be introduced extending the range of offices to such extent as is essential to the discharge of the duties of the respective places involved in legislation.

We shall need no one about us here, holding official connection with this House, who is not absolutely required. We shall need no one but to whom we can afford honest and legitimate employment, and, I am under the impression, if constant work shall be furnished to those who are in the employ of this House, there will not be so many enthusiastic patriots willing to enter into its service.

It is no favor to a man to appoint him to a place here unless it is required in the discharge of some public duty. We should set a poor example to the people of the State if we shall encourage idleness, and we confer no favor upon a man by appointing him temporarily here unless there is actual work for him to do.

It is better for every one who needs employment in this broad, fertile and glorious country to go somewhere where he can always be sure of constant and remunerative employment than to depend upon the caprice of public places.

Gentlemen, I enter now upon the discharge of the duties of this place without a feeling of unkindness towards any gentleman here, and I trust that this feeling may remain thus when we have finished our duties. I have an apprehension, however, that in one particular especially I may at some time for a moment seem to be over-stepping the duties of this place, and I want to say in regard to that, that while I occupy this place, I shall feel it my duty, with sternness and emphasis, if necessary, to maintain perfect and complete order in this House. And if I should find, no matter who it may be on the floor of this House, transgressing thoughtlessly, as is often done, those rules that are required to maintain perfect order here, I shall not hesitate, because I believe it my duty to call his attention, to the matter, and I speak now to the end that if such a thing shall at any time become necessary, growing out of the thoughtlessness of any one who for a moment may allow himself to be diverted from some other subject that that before the House, he shall appreciate that I do it in the spirit of no unkindness, but with a sole



desire to remind him of what I know he will realize as a public duty. I entertain the hope that I shall enjoy your support, and that we shall all together enter upon the discharge of our duties with integrity, with zeal, and with fidelity, and that we shall conclude with eminent success.

The House then proceeded in the same manner as in the election of Speaker to the election of Clerk.

### FOR CORNELIUS S. UNDERWOOD.

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Ely         | Hungerford | Moulton    | Speaker         |
| Alberger      | Enos        | Husted     | Murdock    | Springsted      |
| Alvord        | Flammer     | Hyatt      | Niles      | Squires         |
| D. L. Babcock | Fort        | Judd       | Peck       | Swain           |
| I. H. Babcock | Fowler      | Kennedy    | Pell       | Tobey           |
| Badeau        | Goring      | Kingsland  | Pierce     | D. Tomkins      |
| Baltz         | Goss        | Knapp      | Preston    | Tucker          |
| Beckwith      | Green       | Knettles   | Prince     | Twombly         |
| Bemus         | Greenhalgh  | Lewis      | Rice       | A. L. Van Dusen |
| Bennett       | Gregory     | Lincoln    | Rose       | W. J. Van Dusen |
| Berri         | Griffin     | Lippitt    | Sage       | Vedder          |
| E. E. Brown   | Haight      | G. P. Lord | Shepardson | Wells           |
| I. D. Brown   | Hart        | Lott       | Simson     | Whitbeck        |
| Burns         | Hawkins     | Loughran   | Smiley     | Whitaker        |
| Burritt       | A. L. Hayes | Lynde      | Smith      | Woodward        |
| Crandall      | Herrick     | Mackay     | Smyth      | Woolsey         |
| Davidson      | Holdridge   | Marcy      | Sniper     | Wyman           |
| Dykeman       | Hollister   | Moore      | Snyder     | Yeomans         |
| Eastman       | Houghton    | Morton     |            |                 |

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### FOR CORNELIUS W. ARMSTRONG.

|          |             |          |            |                |
|----------|-------------|----------|------------|----------------|
| Aitken   | Chamberlain | Fields   | A. Hill    | Oakley         |
| Blair    | Chambers    | Foley    | D. B. Hill | Ray            |
| Buckley  | Cook        | Haughton | Jacobs     | Roche          |
| Buell    | Couchman    | J. Hayes | G. D. Lord | M. M. Tompkins |
| Campbell | Dunphy      | Healey   | Moseley    | Wiley          |
| Carroll  |             |          |            |                |

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Thereupon, Cornelius S. Underwood having received a majority of all the votes given, was declared elected Clerk of the Assembly.

The oath of office was then administered to the Clerk by the Speaker.

The House then proceeded, in the same manner, to the election of Sergeant-at-Arms, with the following result :

### FOR PHILIP J. RHINEHARDT.

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Enos        | Husted     | Murdock    | Springsted      |
| Alberger      | Flammer     | Hyatt      | Niles      | Squires         |
| Alvord        | Fort        | Judd       | Osgood     | Swain           |
| D. L. Babcock | Fowler      | Kennedy    | Peck       | Tobey           |
| I. H. Babcock | Geib        | Kingsland  | Pell       | D. Tomkins      |
| Badeau        | Goring      | Knapp      | Pierce     | Tucker          |
| Baltz         | Goss        | Knettles   | Preston    | Twombly         |
| Beckwith      | Green       | Lewis      | Prince     | A. L. Van Dusen |
| Bemus         | Greenhalgh  | Lincoln    | Rice       | W. J. Van Dusen |
| Bennett       | Gregory     | Lippitt    | Rose       | Vedder          |
| Berri         | Griffin     | G. P. Lord | Sage       | Wells           |
| E. E. Brown   | Haight      | Lott       | Shepardson | Whitbeck        |
| I. D. Brown   | Hart        | Loughran   | Simson     | White           |
| Burns         | A. L. Hayes | Lynde      | Smiley     | Whitaker        |
| Burritt       | Herrick     | Mackay     | Smith      | Woodward        |
| Crandall      | Holdridge   | Marcy      | Smyth      | Woolsey         |
| Davidson      | Hollister   | Moore      | Sniper     | Wyman           |
| Dykeman       | Houghton    | Morton     | Snyder     | Yeomans         |
| Ely           | Hungerford  | Moulton    | Speaker    |                 |

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## FOR J. G. RHODES.

|          |             |          |            |                |
|----------|-------------|----------|------------|----------------|
| Aitken   | Chamberlain | Frear    | D. B. Hill | Oakley         |
| Blair    | Chambers    | Haughton | Jacobs     | Ray            |
| Buckley  | Cook        | J. Hayes | G. D. Lord | Roche          |
| Buell    | Dunphy      | Healey   | Moseley    | M. M. Tompkins |
| Campbell | Foley       | A. Hill  | Mosher     | Wiley 25       |

Mr. Rhinehardt having received a majority of all the votes cast, Mr. Speaker declared him duly elected Sergeant-at-Arms.

Messrs. Bowen and Baker, a committee from the Senate, appeared and announced that the Senate was organized and ready to proceed to business.

Mr. Snyder offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That Eugene L. Demers be, and he is hereby duly elected door-keeper of this House during the current year.

Mr. D. B. Hill moved to amend by striking out the name of Eugene L. Demers, and inserting in lieu thereof the name of Andrew S. Scobey.

Mr. Speaker put the question whether the House would agree to said amendment, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. I. D. Brown offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That James H. Lee be, and he is hereby duly elected first assistant door-keeper of this House during the current year.

Mr. D. B. Hill moved to strike out the name of James H. Lee, and insert in lieu thereof the name of James Keenan.

Mr. Speaker put the question whether the House would agree to said amendment, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. G. P. Lord offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That James Hogan be, and he is hereby duly elected second assistant door-keeper of this House during the current year.

Mr. D. B. Hill moved to strike out the name of James Hogan, and insert in lieu thereof the name of Franklin Price.

Mr. Speaker put the question whether the House would agree to said amendment, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Husted offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the rules of the last Assembly be, and they are hereby adopted, for the government of this body until otherwise ordered; and that a select committee of five be appointed to whom they shall be referred to make such revision thereof as they shall deem advisable, and that they report such revision to the House.

Mr. Rose moved to amend by striking out the words "last Assembly," and inserting in lieu thereof the words "of the year 1869."

Mr. Speaker put the question whether the House would agree to said amendment, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Husted offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That a committee of two be appointed by the Speaker to wait upon His Excellency the Governor, and inform him that the House is now organized and ready to proceed to business.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Messrs. Husted and Jacobs were appointed such committee.

Mr. Alberger offered, for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That a committee of two be appointed by the Speaker to wait upon the Honorable the Senate and inform that body that the House is now organized and ready to proceed to business.

Mr. Speaker then put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Messrs. Alberger and D. B. Hill were appointed such committee.

On motion of Mr. Wyman,

*Resolved*, That when this House adjourns to day, it does so to meet again at 4 o'clock, P. M., and that when so convened the members proceed to draw for seats in the usual manner; that, previous to drawing, the Chamber be cleared of all persons, except members and officers, and that the members retire to the lobby and cloak-room and remain until their names are drawn and called.

Mr. Foley presented the petition of William McMahon, claiming the seat of John J. Blair, of the fourth Assembly district in and for the county of New York, which was read and referred to the committee on privileges and elections.

Mr. Hawkins presented the petition of Henry G. Leask, claiming the seat of James Dumphy, of the second Assembly district in and for the county of New York, which was read and referred to the committee on privileges and elections.

Also, the petition of Frederick Kilian, claiming the seat of Alexander Frear, of the fifteenth Assembly district in and for the county of New York, which was read and referred to the committee on privileges and elections.

Also, a memorial of the electors of the nineteenth Assembly district of the county of New York, contesting the seat now occupied by Thomas C. Fields, which was read and referred to the committee on privileges and elections.

Messrs. Husted and Jacobs, the committee appointed to wait on the Governor, appeared and announced that they had performed the duty assigned them, and that His Excellency the Governor would communicate to the House by message.

On motion of Mr. Ely,

*Resolved*, That the Clerk be authorized to make the usual contract with the post-master of Albany for the transmission of papers and documents, the postage of which shall not exceed thirty cents each; and that he be authorized to send by express packages where the charges exceed that sum.

On motion of Mr. G. P. Lord,

*Resolved*, That the librarian be requested to take charge of the Assembly library until the Clerk is prepared to appoint such officer.

On motion of Mr. D. L. Babcock,

*Resolved*, That the Clerk be directed to invite the clergy of the city of Albany to attend and open the daily sessions of this House with prayer.

On motion of Mr. Prince,

*Resolved*, That a committee of two be appointed by the Speaker to examine the ballots to be used in drawing seats, and compare them with the list of members.

Mr. Speaker appointed Messrs. Prince and Chamberlain as such committee.

Mr. Van Buren, the private secretary of His Excellency the Governor, appeared and presented to the House the following message:

EXECUTIVE CHAMBER,  
ALBANY, *January 2, 1872.* }

*To the Legislature:*

It is my duty to make known to you the general condition of the State, and to recommend to you such matters as I judge expedient.

#### STATE DEBT.

The unpaid principal of the war bounty debt was, on the 30th September last (\$16,887,206.57) sixteen millions eight hundred and eighty-seven thousand two hundred and six dollars and fifty-seven cents. This portion of our debt will by the annual tax provided by the terms of the act authorizing the loan, be paid in full in about five years. It was contracted and is to be paid in our present legal-tender currency.

The residue of the State debt, which amounts to (\$12,595,495.95) twelve millions five hundred and ninety-five thousand four hundred and ninety-five dollars and ninety-five cents, was contracted before the war, in gold, and the honor of the State and good faith demand that it shall be paid, both principal and interest, in gold coin. It is to be paid (except \$48,860.11 loan of credit to the Long Island Railroad) out of revenues pledged for the purpose, and not by taxation, unless the sinking funds "shall prove insufficient to enable the State, on the credit of such funds, to procure the means to satisfy the claims of the creditors of the State as they become payable."

Of this last-mentioned species of debt (\$2,257,900) two millions two hundred and fifty-seven thousand and nine hundred dollars of principal will be due on the 1st of July next, and (\$847,500) eight hundred and forty-seven thousand and five hundred dollars of principal will be due on the 1st of January, 1873. The Comptroller is of the opinion, in which I concur, that there will be no difficulty in obtaining the means of meeting these payments, on the credit of the sinking funds, as authorized by the Constitution.

The entire State debt was, on the 30th of September last, (\$29,482,702.52) twenty-nine millions four hundred and eighty-two thousand seven hundred and two dollars and fifty two cents, the amount of principal paid in the last year being (\$2,926,441.74) two millions nine hundred and twenty-six thousand four hundred and forty-one dollars and seventy-four cents.

#### TAXES.

The State tax levied the past year is five mills and seventy-nine one hundred and twentieths of a mill. Of this tax, two mills were required for the annual payment on the war bounty debt, one mill and a quarter for the support of the public schools, three-eighths of a mill to meet payments for work on the new Capitol, seventy-nine one hundred and twentieths of a mill for canals, and one mill and three-eighths of a mill



for general purposes. The total yield of the State tax is eleven millions six hundred and thirteen thousand nine hundred and forty-three dollars and sixty-one cents.

#### NEW CAPITOL.

The new capitol commissioners report to me that of the six hundred and fifty thousand dollars appropriated by the Legislature at its last session, they have expended three hundred and forty-three thousand six hundred and thirty-one dollars and thirty-one cents up to the twenty-second day of November last; making, with what has been previously reported, about two millions thus far expended on the construction of the building, independent of about six hundred and fifty thousand dollars paid for land.

#### SALT SPRINGS.

The quantity of salt from the Onondaga salt springs, inspected during the last fiscal year, was eight millions five hundred and seventy-nine thousand one hundred and ninety-three bushels. This shows a decrease of production, compared with the previous year, of two hundred and seventy-two thousand and fifty-four bushels. The net revenue to the State has been twenty-six thousand six hundred and fifty-six dollars and seventy-nine cents, which is seven thousand two hundred and fifty-four dollars and twenty-eight cents less than that of the previous year.

#### BANKS.

On the 1st of October last, sixty-nine banks were doing business under the banking law of this State. During the fiscal year circulating notes to the amount of forty-seven thousand seven hundred and seventy-seven dollars have been destroyed by the department. Twelve banks have been credited with lost circulation to the amount, in all, of sixty-four thousand seven hundred and twenty-five dollars; the time for redeeming the same, after the usual legal notice, having expired.

The amount of circulation outstanding, including that of incorporated banks, banking associations, and individual bankers, was, on the 1st of October last, two millions one hundred and forty-one thousand four hundred and thirty-five dollars and fifty cents. Of this amount, the sum of one million three hundred and eighty-three thousand five hundred and twenty-five dollars is secured by deposits of stocks, mortgages, and cash. The residue, being circulation issued by incorporated banks in existence prior to the passage of the general banking law, is, of course, not secured by any deposit in the bank department.

#### SAVINGS BANKS.

There were, on the 1st of July last, one hundred and forty-three savings banks doing business in the State, with assets to the amount, in the aggregate, of two hundred and sixty-six millions two hundred and fifty-three thousand five hundred and ninety-four dollars. These assets may now be estimated, upon the ratio of increase of the year before, at two hundred and eighty millions of dollars. The number of persons having deposits in these institutions was, on the 1st of January, 1871, seven hundred and twelve thousand one hundred and nine.

I ask your especial attention to the necessity of being very cautious in the enactment of charters for savings banks. Some failures have occurred among this class of institutions during the past year. Being intended to induce saving habits among those of small means, by enabling them

to obtain interest on the sums which they can, from time to time, lay aside from their daily earnings, it is the duty of the Legislature to provide in their charters every possible safeguard for the protection of the depositors. The object kept in view should be security more than high interest.

At my instance (Senator Palmer, then chairman of the Senate committee on banks, cordially co-operating with me), a law was passed at the legislative session of 1869 (chapter 213 of the Laws of that year), requiring that all persons desiring to organize a savings bank should execute a certificate, setting forth the name of their projected institution, its intended place of business, the name, residence, occupation and post-office address of each member of the association, and containing a declaration from each one of them that he is willing to accept the duties of a trustee in such institution; and requiring that such certificate, with a copy of the proposed charter, be filed with the Superintendent of the Banking Department, at least sixty days before the annual session of the Legislature. The law provides also that notice of intention to organize such an institution, giving the particulars contained in the certificate, shall be published in a newspaper of the neighborhood where it is proposed to be established, for six weeks. It then makes it the duty of the Superintendent of the Banking Department to transmit to the Legislature at its next meeting, a report concerning the expediency of incorporating each one of such proposed institutions. Every legislative committee to whom a bill for incorporating a savings bank shall be referred, which has been introduced otherwise than in the manner and with the preliminaries above described, is, by the terms of this law, required to report against the passage thereof. Of course, this law may be disregarded by a subsequent Legislature; but I recommend a strict compliance, on your part, with its provisions, as calculated to avoid a needless increase of these institutions and to guard against carelessly framed charters. I recommend to your consideration the propriety of restricting, by a general law, applicable to all savings banks, the amount which may be held on deposit for any one depositor, to a moderate sum. Those who deal in large amounts are usually capable of providing investments for themselves. It is not right that the funds of this latter class of persons should be mingled with those of less means, whose circumstances require a peculiar class of institutions, and for whom, specially, savings banks were created.

The tendency of late years to careless legislation in respect to savings banks and other moneyed incorporations, is shown by the fact that during the three years of my administration, I have found myself obliged to refuse my signature to sixty-eight bills for the incorporation of or increasing the powers of savings banks and other moneyed institutions under various names.

In connection with this topic, I call your attention to article 8, section 1, of the Constitution, providing that "corporations shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the legislature, the objects of the corporation cannot be obtained under general laws." Of late years there has been a tendency to overlook the intent of this limitation upon legislative power. It is true, the judgment of the Legislature is to decide whether, in any special case, they are justified in disregarding the general prohibition. This discretion, however, should be exercised not arbitrarily, but in harmony with the purpose and intent of the whole section; which was,



obviously, to take away from the Legislature the right of creating corporations by special act, except where it was very clear that the object could not be obtained under general laws.

#### INSURANCE DEPARTMENT.

The number of insurance companies subject to the supervision of the Insurance Department was, on the first day of December, 1871, 238, as follows:

|   |    |
|---|----|
| New York joint stock fire insurance companies ..... | 84 |
| New York mutual insurance companies.....            | 10 |
| New York marine insurance companies .....           | 9  |
| New York life insurance companies .....             | 40 |
| Fire insurance companies of other States.....       | 53 |
| Marine insurance companies of other States.....     | 2  |
| Life insurance companies of other States.....       | 30 |
| Casualty insurance companies of other States.....   | 3  |
| Foreign insurance companies .....                   | 7  |

|            |     |
|------------|-----|
| Total..... | 238 |
|------------|-----|

The total amount of stocks and mortgages held by the department for the protection of policy holders of life and casualty insurance companies of this State and of foreign insurance companies doing business within it, was eight millions fifty-one thousand one hundred and eighty-five dollars, as follows:

|   |                |
|---|----------------|
| For protection of policy holders generally in life insurance companies of this State..... | \$4,104,035 00 |
| For protection of registered policy holders exclusively....                               | 2,342,650 00   |
| For protection of casualty policy holders exclusively....                                 | 4,000 00       |
| For protection of fire policy holders in foreign insurance companies.....                 | 1,300,500 00   |
| For protection of life policy holders in foreign insurance companies.....                 | 300,000 00     |

|                    |                |
|--------------------|----------------|
| Total deposit..... | \$8,051,185 00 |
|--------------------|----------------|

The Superintendent of the Insurance Department estimates that, toward reimbursing the loss by the fire at Chicago, companies organized under the laws of this State (not including those of other States and countries doing business in this State) will contribute over twenty millions of dollars.

#### STATE PRISONS.

The Comptroller's report will show, in detail, the earnings and expenses of the State prisons during the past year. The condition of our prisons is not satisfactory. Improvement can be secured, in my judgment, only by an amendment to the Constitution, which shall concentrate responsibility for their management.

I visited, as usual, all the prisons during the past year, for the purpose of hearing applications from the convicts for pardon or commutation of punishment. More than eight hundred applications for pardon or commutation have been made to me during the year. Eighty-four (84) pardons, twenty-nine commutations, and five reprieves have been granted. I shall, in a few days, submit to you, as has been my practice every year,



a statement of the particulars of these cases, including the reasons which, in each instance, have influenced my action.

#### CHARITIES AND ASYLUMS.

The annual report of the Commissioners of Charities will give detailed information of the condition of the several State charities. I trust you will continue to provide for the early completion of the State lunatic asylums now being constructed, so as to afford additional room for the insane poor; to the end that, within a short period, all of this class may be removed from the county poor-houses. I again recommend, as I did last year, an inquiry into the condition of pauper children in the several counties, with a view to providing for their removal, if found expedient, to proper asylums.

#### EDUCATION.

The following statistics have been furnished me by the Department of Public Instruction for the fiscal year ending September 30, 1871:

|   |           |
|---|-----------|
| Number of children attending public schools ..... | 1,027,089 |
|---|-----------|

|   |                 |
|---|-----------------|
| Total receipts, including balance on hand, September 30, 1870 ..... | \$10,658,576 87 |
| Total expenditures.....   | 9,588,356 37    |
| Amount paid for teachers' wages.....                                | 6,678,377 51    |
| Amount paid for school-houses, repairs, and furniture,              | 1,587,276 39    |
| Estimated value of school-houses and sites.....                     | 23,613,201 00   |

|  |        |
|--|--------|
| Number of persons attending normal schools.....      | 5,129  |
| Total number of school-houses.....                   | 11,721 |
| Number of teachers employed for the full legal term, | 17,828 |

For particulars and for suggestions relating to the administration of our common school system, you are respectfully referred to the annual report of the Superintendent of Public Instruction, under whose care the educational affairs of the State have been so ably administered. I ask for the schools the most liberal legislative encouragement.

#### STATE MILITIA.

The State militia, known, now, as the "National Guard of the State of New York," numbers about twenty-four thousand officers, non-commissioned officers and privates. The details will be made known in the report of the Adjutant-General. This valuable force, essential to the security of public order, ought to be generously sustained by the Legislature. A contract has been made, in accordance with authority vested in the Governor by the law of last session, for supplying the force with breech-loading rifles.

The Adjutant-General has made very satisfactory progress in obtaining the adjustment and allowance of claims of the State against the general government for expenditures in the late war. At the time he came into office, the balance of the claims which had then been presented to the accounting officers of the treasury of the United States and were on file with them, unsettled, was \$932,132.82, of which it had been estimated not more than fifty per cent could be recovered, owing to irregularities of vouchers, and irregularities occurring in the hurry of the times when the expenditures were made; and it was suggested that the Comptroller should employ a special agent for the adjustment of these

claims, to be compensated by a per centage upon the amount which should be recovered. The Adjutant General, with my approval, placed the matter in the special charge of Colonel Stonehouse, the Assistant Adjutant-General, who was familiar with the origin of the claims, and detailed Captain Butler, of the Inspector-General's Department, to assist him. There has been recovered already the sum of \$622,279.10, with the well assured prospect of an early adjustment of the whole balance left unsettled on the 1st. January, 1869 (except certain items of interest on temporary bonds issued by the State which will require congressional action), and the prospect also of establishing the validity of further claims upon the government. Additional claims to the amount of \$364,107.07, have already been presented to the treasury department, and others to about the same amount will very soon be ready for presentation. The Legislature, at its last session, passed a concurrent resolution, authorizing me to appoint a special agent to prepare and collect these claims, and to award to him such a per centage of the amount collected as I might deem just and proper. I have done nothing under this resolution, being satisfied that the claims can be adjusted and collected quite as rapidly through the clerical force of the Adjutant-General's office, and, of course, at much less cost to the State.

#### QUARANTINE, ETC.

During the past year, 227 vessels arriving at the port of New York have been quarantined on account of sickness which had occurred on board of them. Upon these vessels, at their port of departure, on the passage, and after their arrival at quarantine, there were 729 cases of contagious and infectious diseases, and 109 deaths.

During the quarantine season, to wit, from the first day of April to the first day of November, 466 vessels, which arrived from ports infected with yellow fever, were detained in the lower bay for observation. During the same period, 542 vessels from suspected ports were examined at lower quarantine, and placed under observation for a period of from two to five days.

These constitute the total number of vessels detained during the year beyond the time actually necessary for examination. Out of this number seventy-five discharged their cargoes under quarantine, being but little over one per cent of the whole number of arrivals from foreign ports during the year.

Seventy of the vessels thus detained were found to have had cases of yellow fever on board, and from these, eighteen patients were sent to West Bank Hospital. Besides these, 205 cases and fifty-one deaths from this disease had occurred on board of these vessels, either at their port of departure or during the passage.

For the five years, ending December 31st, 1870, the total number of vessels which arrived with small-pox on board, was one hundred and forty-two; while, during the past year, there have been one hundred and forty-seven vessels, having on board an aggregate of 80,428 persons who had been exposed to this disease during the passage. The number of cases of small-pox reported to have occurred on these vessels, was three hundred and forty-two, of which two hundred and ninety three were taken to hospital from quarantine. Of these, owing to the crowded state of the municipal institutions on Blackwell's Island, it was found necessary to send a number of patients suffering from small-pox to West Bank Hospital.



Seven vessels only have had cases of ship-fever on board during the past year. On these the number of persons exposed to the disease was 3,778, of whom eight were sent to the fever hospital on Ward's Island.

Three vessels from infected districts have had cases of cholera on the passage to this port; and from these, fifty-two patients suffering from the disease, were treated at the West Bank hospital. The total number of cases of cholera occurring among the passengers and crews of these vessels, was 156; and the number of persons exposed to the disease, 1,432. Of these, forty-three died at sea and twelve in quarantine.

At the West Bank hospital the total number of patients suffering from cholera, small-pox and yellow fever, received during the past year, was 132, of whom 109 recovered and twenty-three died.

The absence of buildings upon the upper structure at West Bank, for the reception of persons who have been exposed to contagious and infectious diseases during the voyage to this port, was temporarily provided for by the transfer of the steamships Delaware and Albany, from the general government to the quarantine department. These vessels were anchored at quarantine in the month of September, and in the case of the steamship Franklin, which arrived on November 11th, with cholera on board, were of the greatest utility in affording facilities for the immediate transfer of the passengers from the infected vessels. The favorable results which followed this transfer, are said by the health officer, to prove the importance of completing at once, the structures contemplated at West Bank.

The foregoing statistics demonstrate the necessity for a thorough administration of quarantine laws. The immunity which the city and State of New York have enjoyed during the past year from the introduction of contagious and infectious diseases from abroad may justly be ascribed to the precautions adopted. All abuses, if any be found, should be remedied, but the inconvenience to a few, by the detention imposed upon only one vessel out of a hundred, is not to be weighed against the protection afforded to the people in the cities of New York and Brooklyn, and of the State, against infectious diseases.

There have been for many years, and under all administrations, complaints in the press against the health officer, and also against the harbor-masters of the port of New York. No proof has been adduced before me of maladministration on the part of the present officers. In one instance, prior to December 15, 1871, charges were preferred against a harbor-master, which were withdrawn. On the 15th of December, 1871, charges were preferred in another case, which are now under examination. In the case of the health officer, one complaint has been laid before me. Although the law gave me no power in the matter, the health officer promptly responded to my request for explanations; the complaint was found to be connected, not with his office proper, nor with his fees, but with certain rates established for contributions to the support of the hospitals at quarantine; and the injustice complained of was promptly cured. Under the law, as it was established in 1863, and as it now stands, the Governor has no power to remove the health officer (and appoint another), even after a formal investigation, during the recess of the Senate; the period of the year when, if ever, abuses are likely to occur. I recommend that the Governor be empowered to appoint the health officer and harbor-masters, including the captain of the port, without the consent of the Senate; and to remove them or any

of them at pleasure. A prompt remedy would then be provided against abuses without the delay incident to a formal investigation.

In the single instance of the presentation to me of charges against the health officer, I took the occasion, in referring the matter to the commissioners of quarantine, to request them to inquire into alleged abuses in quarantine administration, giving merchants and others opportunity of being heard. I have received their report, dated December 11th, 1871, which, with a communication from the health officer relating thereto, will be duly transmitted to the Legislature for its information.

It is proper to say, that if citizens who know of and can prove official misconduct on the part of public officers, fail to present the charges and proofs to the Governor, the responsibility for continued abuses rests upon them. The Governor, in such matters, acts in a quasi-judicial capacity, and he cannot, any more than can a court, entertain charges made simply through the public press.

Nor should it be forgotten, that if extra compensation is paid to harbor-masters, it may be too often due to the eagerness of owners and consignees of vessels to get the advantage, one over another, in the occupancy of wharves.

The Governor is always ready to do his duty, and to remove a guilty party when he has the power. Merchants and others fail to do theirs, when any of them pay a bribe to a public officer, or neglect to expose and bring to justice whoever demands or accepts one.

I recommend a thorough examination of the official acts of the health officer and harbor-masters, and such amendments to existing laws, as may be necessary to put an end to such evils as may be shown to exist.

#### IMMIGRATION.

The number of arrivals of immigrants in the port of New York this year is two hundred and twenty-nine thousand, an increase, as compared with last year, of seventeen thousand.

#### REVISION OF STATUTES.

A report from the commissioners for revising the statutes may be expected at an early day in the session, showing what progress has thus far been made in their work.

#### CANALS.

The surplus revenues of the canals, for the past year, have been nearly double those of the previous year, although, for four months of the year 1870, the former higher rates of toll prevailed; the contribution to the sinking fund, for the fiscal year ending 30th September last, being \$981,588 68 against \$569,974.61 contributed the year before. The expenditures have been materially reduced. The official reports of the Comptroller and Auditor will show the details of expenditure and revenue. It is the unanimous testimony of those engaged in business upon them that the canals are in better order than at any previous period. My opinions as to the true policy of the State, with reference to its canals, have been so fully expressed in three successive annual messages, that it is not necessary here to repeat them. The policy of low tolls, which, when first recommended, met with strong opposition, is now, by general consent, admitted to be wise. The season of navigation of 1871 was fifteen days shorter than that of 1870, yet there was an increase of tolls to the extent of \$487,722.78.



I have received a letter from the President of the United States, calling my attention to the twenty-seventh article of the recent treaty between Great Britain and the United States, which article is in these words, to wit:

"ARTICLE XXVII.—The government of her Britannic majesty engages to urge upon the government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion, on terms of equality with the inhabitants of the Dominion; and the government of the United States engages that the subjects of her Britannic majesty shall enjoy the use of the St. Clair Flats canal on terms of equality with the inhabitants of the United States, and further engages to urge upon the State governments to secure to the subjects of her Britannic majesty the use of the several State canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the possessions of the high contracting parties, on terms of equality with the inhabitants of the United States."

The President requests such legislation on the part of this State as may be necessary to carry out, on our canals, this provision of the treaty. My impression is that nothing exists in our State laws, now, to forbid the subjects of another country using our canals on terms of full equality with the citizens of the United States. I recommend an inquiry on your part on this point, and the prompt passage of any laws which may be necessary for the fulfillment of the undertaking made by the federal government.

#### GENERAL RECOMMENDATIONS.

The disastrous fire at Chicago destroyed the valuable public law library of that city. It was always open to the free use of members of the bar from other States, and contained complete sets of the reports of this State and of its statutes, as well as those of other States and Great Britain. Upon being informed of this loss by a committee of the bar of Chicago, engaged in the work of restoring the library, and upon their application for such assistance as this State could give, I took the responsibility, in view of the intimate business relations existing between the States of Illinois and New York, of causing to be sent to them the statutes, the reports and the digests of this State, complete, as a donation from New York, knowing that the need was pressing for the work of restoration being promptly effected. In doing this, I was careful not to incur any liability in behalf of the State. I, nevertheless, respectfully ask that you make an appropriation to cover the cost of this gift. Some of the books having been furnished by the State Library, from extra copies in their possession, the total amount expended will not exceed sixteen hundred dollars.

Full rights of inheritance are accorded to the children of American male citizens, without reference to the nationality of the mother, although the children be born abroad; while the children of an American woman married to an alien, are, if they be born abroad, denied like rights. I recommend that the disability of the latter class of persons to inherit be removed by statute.

I suggest, for your careful consideration, especially in view of the several treaties made between the United States and foreign governments, in respect to naturalization and expatriation, whether it would not be wise to remove all disabilities of aliens relating to the acquisition,

possession, and transmission of real estate. In several of the States of the Union these disabilities no longer exist, and in England they were removed by statute passed May 12, 1870, the day before the date when the treaty between England and the United States, relating to naturalization, was signed. If you should pass a law removing all these disabilities, the suggestion last made, with reference to children born abroad of American women, will have become unimportant.

I recommend to your consideration the subject of alleged abuses under the referee system in our courts, with a view to providing a remedy, by law, for such abuses as may be found to exist.

The statutes providing for the election of Senators, in case of vacancies occurring otherwise than by expiration of term, are defective. The defect was brought to public notice by the death of Senator Blood, just before the last session of the Senate. I called the attention of the Legislature in my last annual message to the necessity of amending the laws in this respect, but they failed to supply the defect. I recommend prompt action by you on this subject.

I recommend, as I did last year, the putting an end, by law, to the hardship and injustice frequently inflicted upon persons who are detained as witnesses to the commission of crime. The suffering resulting from this, especially in cities, is very great and extends to many unfortunate persons, who are too poor to give security for their appearance to testify. The law should provide that no person shall be detained in prison as a witness in criminal cases beyond a specified time, and that, if the trial be postponed beyond that time on the motion of the prisoner, it shall be only on condition of his consenting that the testimony of the witness may be taken *de bene esse*, as in civil cases. It may be urged that the people may not be ready to bring on a trial, and may thus, in some cases, lose the benefit of the witnesses altogether. It is better so than to have innocent persons suffer imprisonment in order that even the guilty may be convicted.

I recommend, for the third time, that power be conferred upon the Oyer and Terminer, or upon the Supreme Court at General Term, to grant new trials upon the merits or upon newly discovered evidence, in cases of conviction before the Oyer and Terminer. The courts of sessions, which are inferior tribunals, have this power in cases of conviction before them. A person wrongfully convicted in the Oyer and Terminer, no matter how clear his innocence may be shown by newly discovered evidence, has no remedy save a pardon from the executive.

I recommend that the laws relating to the insane be revised. As they are now, any two justices of the peace, upon the certificate of two physicians, may deprive a man of his liberty on the ground of lunacy, and order him to be confined in a lunatic asylum. A bill was passed, at the last session of the Legislature, upon this subject, but some of its provisions seemed to me to be objectionable, and it was generally objectionable, in that its operation was limited to the city of New York. For these reasons I withheld my approval from it. There can be no doubt that there is room for great abuses under the law, as it stands. I recommend that all physicians who may grant certificates of lunacy, and all magistrates, who issue an order of commitment to an asylum, be required, under heavy penalties, to report their action at once to the county judge of the county within which the order was made, and that all superintendents of public and private lunatic asylums, be required, under like penalties, to report forthwith the arrival of every patient at



their respective establishments, to the county judge of the county whence the patient was sent; that the county judge be required to investigate the case, summarily, and confirm or annul the proceedings; and that he be empowered, at any time, on his own motion or on the application of any one interested in the alleged lunatic, to re-open the hearing of a case, and to conduct such rehearing, with or without the aid of a jury, as to him may seem best, and thereupon, in his discretion, to discharge the alleged lunatic. Whether any amendments to existing laws relating to the State asylums for the insane be found necessary by you or not, I recommend that private lunatic asylums be brought under some system of licensing by the public authorities. The Legislature should provide for their supervision and frequent visitation. Inasmuch as the State permits the detention of insane persons in such private institutions, it is right that the same watchful care should be exercised over persons confined in them as over those in our public hospitals.

For the fourth time, I recommend an amendment of the laws relating to murder. Instances of homicide occur where intent to take life is proved, but where the facts are such that the jury are unwilling to find a verdict of guilty of murder in the first degree, because the peculiar facts do not warrant the extreme penalty of death. They cannot, under our present statutes, define the case as one of murder in the second degree. They are driven, therefore, to either acquit or render a verdict of guilty of manslaughter in the third or fourth degree, although conscious that the light penalty awarded by the law to these two degrees of crime is very inadequate. I recommend that either the maximum punishment for manslaughter in the third degree be made much greater, or that when the degree of premeditation does not, or other facts do not, in the judgment of the jury, justify punishment by death, they be authorized to render a verdict of murder in the second degree, to be punished by imprisonment for life, or for a term of years, in the discretion of the court. It is no valid objection to the above amendment that, under it, juries would have too great discretion in the matter of enforcing the death penalty. They exercise that discretion now, in many instances, and do so with the law as it stands, at the cost of rendering a verdict not satisfactory to themselves, and of allowing a very serious crime to go unpunished, except by the light penalty attached by the law to one of lower grade.

I respectfully suggest that all bills, making large appropriations of money be passed by you at a period of the session early enough to enable me to return them to you with objections, if I have any to make; so that I shall not be obliged to consent to items not, in my judgment, proper, as the only means of avoiding the defeat of other just and necessary appropriations. The supply bill, as it is commonly called, has always been sent in for approval after the Legislature had adjourned, leaving me no alternative but to approve of it as a whole, or to let all the appropriations made therein go over, many of them being required at once for the support of the various departments of the government. The practice has grown up of inserting in this bill items of appropriations of money which have no proper connection with the general purposes of the bill as indicated in its title; many of which items, I am satisfied, would not, if proposed in separate bills, receive the sanction of the Legislature. This practice has become a great abuse.

I recommend the immediate repeal of the general town bonding act. Without discussing the policy of this law, I suggest that aid has already

been gived to railroads, upon the credit of municipalities, to quite as great an extent as is wise, and, in some instances, to the oppression of tax-paying communities. Its early repeal is, in my judgment, important to the general welfare of our people.

#### EIGHT HOUR LAW.

In 1870, what is commonly called the eight hour law was enacted by the Legislature and approved by me. It provided, among other things, that eight hours should constitute a legal day's work upon all the public works of the State, and that any public officer, who should violate or evade its provisions might be removed by the Governor, or by the heads of departments to which such officer was attached. By this act the Legislature intended to hold out the promise, on behalf of the State, to the laborers who might be employed on any public work, that they should receive a full day's wages, at current rates, for eight hours' work. The spirit of the promise has not been kept; yet no case has arisen where a removal of a public officer could legally be made. The laborer understood the law to provide for a reduction of the hours, but not of the wages of labor. The State ought not, under the forms of law, to deceive any portion of its people. Its practice should be in accord with its professions. It demands a general obedience to its statutes, and should itself set the example of strict conformity with its own laws. While the law stands upon the statute book, the professions embodied in it should be made good by such amendments to it as will render the fulfillment of its purpose certain.

#### TAX REVISION.

Under the provisions of a joint resolution of the Legislature passed April 25, 1870, I appointed David A. Wells, George W. Cuyler, and Edwin Dodge a commission "to revise the laws for the assessment and collection of taxes;" which commission, in the discharge of its duties, presented a report in February, 1871. The report was so important and exhaustive in its character, and so novel in its suggestions, that although I had supplied copies thereof to the Legislatures of the other States, and to municipal bodies in this country and in the British Provinces, yet, notwithstanding the very large editions issued by the State, the report has been twice reprinted, at private cost, in order to meet the demand for it among the general public, to wit, once in this country and once in Europe; the latter reprint being issued, with a preface by the Secretary of the British Board of Trade, by an association of gentlemen for distribution among the people of Great Britain.

In respect to personal property, the report of the commissioners shows that the whole amount thereof assessed and taxed is not as much as thirty per cent of the real estate assessment, or not in excess of the railroad and banking capital alone of the State; while the probable proportion of such property assessed to its true value is not more than *fifteen* per cent. The commissioners, furthermore, present a large amount of evidence tending to show that not only is such a result unavoidable under existing laws, but that the tendency of things (through recent court decisions, the offsetting of indebtedness against assets, and the exemption of the United States and other securities from taxation), is to become worse; and that at no distant day, the present system of taxation in this State will be brought down, practically, to an exclusive tax on real estate and bank capital.



Another matter of great importance, to which the commissioners call attention, is the circumstance that during the last few years the legislation of contiguous States, in respect to local taxation, has been of a much more liberal character than that of New York; and that, in consequence, the interests of New York have suffered, and are likely to continue to suffer unless remedial or reciprocal legislation is provided. Thus, for example, the States of Maine and Vermont, and also the British Provinces which border upon New York, have either wholly, or for an extended period, exempted manufacturing industry from all taxation. The new territory of the District of Columbia exempts all evidences of debt, that is, bonds, mortgages, negotiable instruments, etc.; the State of Maryland, all bonds and mortgages for the city and county of Baltimore; New Jersey, bonds and mortgages for a large part of her territory contiguous to New York; while Pennsylvania, proceeding much farther in this same direction, has exempted the machinery and capital of manufactures from local taxation, and, practically also in a great degree, her banking capital, evidences of debt, and all vessels engaged in foreign and domestic commerce.

New York is soon likely to be forced, by considerations of self-interest and self-defense, into giving this whole subject of State taxation careful attention.

The system recommended by the commissioners, and of which an outline code has been already submitted to the Legislature, is substantially as follows:

*First.* To tax real estate in like manner as under existing laws; provisions for enforcing valuation according to a common and well defined but moderate standard being at the same time prescribed. It is understood that the commissioners favor the creation of an office, whose incumbent shall be especially charged with the enforcement of the laws relative to taxation, and be invested with all necessary powers for accomplishing such object, and insuring, so far as possible, equity and uniformity.

*Second.* To tax moneyed corporations of the State in conformity with existing laws.

*Third.* All experience, and especially the experience of New York, shows that the attempt to tax, directly, property other than such as is embraced under the two before enumerated classes, affords little revenue; it fails in execution, and is certain to yield less revenue in the future than in the past, and above all it discriminates against the industry of New York in comparison with other States. The commissioners propose as a substitute and equivalent for all such defective taxation, *to tax the occupier, be he owner or tenant, of any and every building used as a dwelling, or for any other purpose, on a valuation of three times the rental or rental value of the premises occupied; but not including under such assessment, any land except such as the building stands on, or is essential for access thereto.*

All property not embraced under one of these provisions, as above stated, is to be exempt from taxation.

The principles on which the commissioners have founded this part of their system, are stated by them as follows:

"That the market value of real estate is always proportional to and dependent on the amount of personal property, or rather productive capital, placed upon it, or in its immediate vicinity.

"Only, therefore, as personal property or productive capital is brought

in connection with real estate, does its value become appreciable and augment.

"Applying, practically, to New York the proposed system for taxing personal property, through buildings or rentals, as its representative, the commissioners say, that examination will show that the aggregate of taxation, according to the new system, on the occupiers of buildings, *will be the lowest in the most sparsely settled agricultural districts of the State.* Property here is mainly in land, and the value of buildings is generally much less than the value of this land with which they are connected. As we leave the sparsely settled agricultural districts, and rise through the more densely populated portions of the State, from the towns to the villages, from the latter to the cities, and from the cities to the great metropolis of the continent, we shall find that the value of land, of buildings, and the aggregate of taxable valuation will increase as the amount and accumulation of personal property increases, until land and buildings attain their greatest market and tax valuation in Wall street, Broadway, and Fifth avenue, where the accumulation of personal property is the greatest. It is also to be observed that, starting at the bottom of the scale, with the value of land greatly in excess of the value of the buildings connected with the land, that this difference, as we progress upward through the more densely populated districts, gradually diminishes, until, as is the case very frequently in the cities, *the value of the building greatly exceeds the value of the land in which it is situated.*

"And yet, while under the proposed system, the agricultural districts would, as now, pay the smallest proportion of the aggregate taxes, and the villages and cities as now also the largest, there would be no injustice; but, on the contrary, one uniform, equitable rule of valuation and assessment.

"The sum of *three times* the rent or rental value is taken as the substitute for personal property, other than what is invested in the stocks of moneyed corporations, on the assumption that no person can occupy any building, who is not possessed of such property, at least to the extent of the valuation adopted; an assumption fully sustained by evidence and investigation."

The commissioners allege, in regard to their proposed new system, that, under the *first* and *second* provisions, nearly all the property now subject to taxation will be embraced; and that, under the *third* provision, property additional, or rather ability to contribute to the expenses of the State, commensurate to the protection which the State accords to the person assessed, will be embraced to the extent of from *five hundred to seven hundred* millions; thus reducing the rate of taxation all over the State, and especially relieving the labor and capital invested in agricultural and manufacturing industries, and in shipping, which it ought to be the object of the State especially to favor.

When the report of the commissioners was presented in February, 1871, it seemed to me and to the Legislature advisable that, on account of the novelty of the views presented, the consideration of the whole subject should be postponed for another year in order to allow of the fullest discussion and consideration on the part of the public, and pending all action the Legislature instructed and authorized the commissioners to prepare a code in accordance with their recommendations. This code, with a further report, will be ready at an early period of the present session, and I should fail in my duty if I did not ask for it in advance the most careful consideration from both the Legislature and the people.



## STREET PROCESSIONS.

The subject of the regulation and control of processions in public streets has been made one of special interest by unhappy occurrences in the city of New York in July last. The occupation of the public streets by bodies of men for the purpose of civic as well as military processions has been permitted under a custom so long established that it has come to be looked upon as a common right. The local police must have, of course, great discretionary power in the matter of regulating such processions. It has been the practice of New York city to afford them protection by the presence and escort of part of the police force, without reference to the occurrences which the demonstrations were designed to celebrate, or to the race, color or sentiments, political or religious, of those engaged in them. Our respective political parties have been in the habit, on the eve of an election, of getting up such demonstrations, not only in New York but throughout the country, with banners and mottoes indicative of their own views and not unfrequently reflecting with severity upon those of their opponents; all of which are looked upon, usually, by the by-standers of either party, in good humor and perfect toleration. Noted events in our own history have been commemorated by great public demonstrations in the streets, and, in like manner, men of foreign birth or descent, have celebrated occurrences remarkable in the civil, military or religious record of the country from which they sprang, or of the faith and church in which they and their fathers were educated. This right of procession has been considered to be established by custom as firmly as the right of free discussion and as is the right of the people "peaceably to assemble" by the Constitution of the United States, and may be regarded, in some sense, as a practical exercise of those rights.

A procession had been proposed for the 12th of July last, to which objection was made by persons holding views adverse to those to be celebrated, and they resolved to prevent it by violence, if necessary. Opponents of the first proposed procession organized another for the same day, with substantially the same line of march. The police of the city, deeming it almost certain that a serious breach of the peace would ensue, and in order to prevent it, forbade both of the proposed demonstrations. The order forbidding the processions was not submitted to me by the police commissioners, for consideration or approval, nor did they ask my advice upon the subject. The order was made by them in the exercise of their exclusive discretion and lawful power, and it was not my lawful right, on my own motion, to interfere with that discretion. On the afternoon of the day on which the order was issued and published, which was the day before that proposed for the processions, I received, while at the capital, information that the local authorities thought my presence in the city was desirable. I repaired thither, immediately, and advised that the police order be revoked. I was satisfied that it would be generally regarded as having been made by those in authority in submission to the demand and dictation of those who were not, and as subversive of the equal rights of men of all races, creeds and sentiments to protection, and would tend to permanent strife and bitterness, and to the disturbance of the peace of the State, perhaps, for many years to come. In deference to my advice, the order was revoked by the same authority which had issued it. My duty, then, was plain, to wit, to sustain, by the whole power of the State, the local authorities in repressing threatened disturbances, and by so doing, to assert the equal rights of all citizens.

The loss of life that ensued from the use of military force is a matter for great regret. It is clear, however, that whatever may be the cost, the rights and privileges of all classes of men must be alike protected, or none are safe; and that the prohibition of a procession representing one class of sentiment to-day, upon the demand of its opponents, or otherwise, would be taken as a precedent for interference, on another occasion, with one representing the opposite views, to the constantly recurring disturbance of the public peace, and to the abridgment of the privileges of all. I submit to your judgment, whether any new provisions of law are required regulating this matter of street processions and public demonstrations, which, good temper being preserved, have, heretofore, been harmless recreations for those engaged in them and for great numbers of lookers-on. Whatever laws you may pass on the subject should secure equal privileges to all men of whatever religion, of whatever politics, of whatever race, color, or creed.

#### UNITED STATES SENATORS.

I recommend that you pass a joint resolution respecting the Senators and Representatives from this State in the Congress of the United States to use their efforts to have the following amendment to the Constitution of the United States proposed by the Congress, to wit:

“After the adoption of this amendment, Senators from each State shall be chosen by the people of the several States, and not by the Legislatures thereof; whenever the term of a Senator is about to expire, his successor shall be chosen by the people of his State at the general election for members of the House of Representatives in such State, occurring next previous to the expiration of such term; and whenever a vacancy shall happen, otherwise than by expiration of term, such vacancy shall be filled at the first general election for members of the House of Representatives which shall take place in the State in whose representation in the Senate a vacancy shall have happened, not less than three months after the vacancy shall have occurred, and in the meantime the Governor of the State may make a temporary appointment of Senator until the expiration of one month after the election at which the vacancy shall be permanently filled.”

The Legislature of a State has its own proper duties to perform, to wit: that of providing good laws for the internal government of the State, with which the choice of a Senator of the United States has no natural connection; and the members of a State Legislature should be chosen solely with reference to these, their proper duties, and not with reference to their probable votes for this or that candidate for Senator.

It is obvious, too, that the distribution of Assembly and Senatorial districts in the State may, at times, be such that a majority of the members of the Legislature, although freshly chosen, do not represent the popular majority in the State. In such instances, a Senator may be chosen who is not in accord with a majority of the people, and who, in such case, does not represent the State at large, as he properly should do. I can see no good reason for devolving the election of a Senator upon the Legislature; while the arguments against doing so are many, and, it seems to me, unanswerable. The people are quite as capable of electing a Senator by their own direct vote as they are of electing a Governor; and there is no need of delegating the important power of choosing a Senator of the United States to any electoral body.



## NEW YORK CITY.

The recent exposure of great wrongs in the administration of the local government in the city of New York, has aroused public attention, to an extraordinary but wholesome extent, to the necessity of a reform in the conduct of public affairs. In that city especially, the people have spoken in a way which must not be misinterpreted. They demand an improvement in the condition of their local government through legislation, which shall have in view neither party nor personal ends, but the permanent general good. The limits of this message forbid a discussion of the causes which, for a long time, have been contributing to the results recently laid bare. For many years the city had not had a charter under which it was possible for its people, even if they had been willing to attend to their own interests, to have secured an efficient and faithful local government. At one time governed under local laws which failed to fix responsibility anywhere, at other times under varied, disconnected and irresponsible commissions, created to enable minorities in the city to exert political control; confusion, mismanagement and extravagance were apparent to every one, but the responsible authors thereof were concealed under the complicated machinery which was unwisely substituted for a simple government of the people. In my first annual message to the Legislature, while calling attention to evils then existing, I said: "Every dollar paid for taxation should draw with it direct responsibility, and every officer should feel himself at all times on trial for his public acts. No party could then long maintain local ascendancy which did not nominate its best men for office, and did not by economy and good government, make their control of affairs consistent with the interests of the people;" and I added: "No good government can be secured to any great city unless it shall have one responsible head, in whom shall be vested all executive power, and to whom, as the elected representative of the people, all departments charged with executive duties shall be directly and summarily responsible and accountable. If, with this as the fundamental idea, a plan shall be devised which will give to the political minority within the city a just representation in its councils, we shall, doubtless, secure better results in municipal government than have ever before been attained."

The same views, excepting those upon minority representation, had been, on several occasions, in nearly the same language, urged by me while mayor of New York, and were reiterated in my second annual message, as Governor, in 1870.

During the session of 1870 the present New York charter was enacted. It received very extensive favor from the press, and passed by a nearly unanimous vote of both Houses of the Legislature; another form of charter, submitted to them previously at the same session, having been, by a decided vote, rejected. As a whole, the charter adopted was a great improvement on the then existing condition of things. By its provisions, and those of a law passed almost simultaneously with it, the former board of supervisors, the members of which had been designated in such a manner as to leave the people practically no choice in the selection of them, and against whose management of public affairs the complaints had been, for a long time, many and loud, was abolished, and aldermen, elected by the people at large under the new charter, were substituted. It broke up the irresponsible district commissions in which the city government proper had been substantially merged, and provided

for new departments, embracing every branch of public duty, to be organized by the mayor of the city. It restored to the people of the city their constitutional right of local self-government, of which they had been for many years deprived. It defined the responsibility of those in authority; so that, in case of wrong-doing, the people could tell at once upon whom to cast the blame.

It was a first step in reform, casting aside, as it did, a very vicious system of government, the evils of which had long been manifest to many, and are now manifest to all. It was not an unusual mistake, that in providing a remedy for then existing evils, others, likely to come out of the remedy itself, were overlooked. This was the fatal error in the legislation which, many years ago, transferred the government of the city from the people to irresponsible commissions. It will need great caution to avoid like mistakes in framing a new charter.

The chief defect of the present charter is in recognizing the mistaken doctrine of the congressional tenure of office law, whereby a subordinate in administrative duties is made independent of the appointing power, instead of being subject to summary removal by the chief executive officer for cause satisfactory to him. The length of term of office assigned to some of the departments would not have been found, in practice, objectionable, if the power had been given to the mayor to remove, summarily, for misconduct. As a substitute for this wholesome power of removal, it was provided, in harmony with the erroneous doctrine so prevalent of late years—that good administration is to be secured by scattering instead of concentrating responsibility—that the mayor should have no power over the subordinate officers, in case of misconduct, except to accuse them before the court of common pleas, as the means (and the only means) of removing them from office, while the mayor himself was not made subject to removal by the Governor.

A somewhat lengthened tenure of office in some departments of the city government, such as are created to carry out, or to administer some special work, may be, for many reasons, desirable; and is not objectionable, if the power be given to the mayor to remove, for cause, to be publicly assigned by him. The parks of the city and the Croton aqueduct have been thus administered from the beginning. All officers connected with the general administration of the city affairs, the comptroller, the counsel to the corporation, the chamberlain and others, should be appointed by the mayor, with or without the consent of the aldermen, be removable by him, and go out of office with him at the end of his term, as a matter of course.

My judgment is not in favor of requiring the consent of the board of aldermen to appointments. To do so leads to a division of responsibility and opens the way for bargains whereby one appointment may be dependent for its confirmation upon the consent of the mayor to give other places to favorites of the aldermen.

Though the charter was not all it should have been, it was the best that could then be obtained, and it promised relief from great and long continued wrong, under which the people of the city had been suffering, and from a system of government, the abuses under which are now coming to light. The misconduct, recently exposed, was not a consequence from any of its provisions.

The responsibility for the wrong-doing, which has very justly aroused public indignation, does not rest so much upon the charter as upon individuals who held office in the city before the charter was passed, and took



office also under it. The difficulty with the charter, in this connection, is that it provided no means for summary removal from office. The auditing of the alleged claims against the former county government to the extent of six millions of dollars and upward, to which the public attention has been chiefly directed, was made not under the charter, but under a clause in the bill commonly called the New York county tax-levy; a clause, perhaps not objectionable in itself, if the powers which it conferred had been faithfully and carefully executed. The annual tax-levy of New York should no more be made up by the Legislature than that of any other county. It has been the practice for many years, to have the city tax-levies passed upon by the Legislature, and this has been the occasion of great abuse; the estimates of the city authorities being almost always largely increased by the Legislature. One of the good results looked for from the enactment of the present charter and other laws passed at the same time, was the abolition of the practice of bringing the city tax levies into the Legislature.

I allude to these facts not because I would recommend retaining the present charter, but because I think they ought to be known and understood. Many of the provisions of this charter cannot, in my judgment, be improved upon, but it is under popular disfavor, and I recommend its repeal and the enactment of a new one in which all that is good of the old one may be retained, all that is evil rejected, and all that is defective remedied.

The people of the city have, by their recent concerted and intelligent action, proved their capacity to manage their own affairs, and to redress their own wrongs. They demand of the Legislature now, not a return to systems which have upon trial proved to be failures, but the establishment of the wisest and best form of a strictly local government; the prominent features of which shall be executive power and responsibility in its mayor, clear and well defined accountability of all officials and frequent opportunities for the people to rid themselves of a local administration not faithful to their interests. It would not be wise for the State to take any part of the responsibility for the management of the local affairs of New York city. It is the duty of the State to give to the city a good organic law under which its people can manage their own affairs and protect their own interests, and then let them understand distinctly that success depends on their own willingness to attend to their public duties. If they will not give attention to their own affairs, no form of charter nor provision of law can secure to them good government. Municipal wrongs are not to be cured by the mere passage of a new law, however perfect in its structure; and it is certain that any charter framed to promote personal or partisan interests, will have, as it deserves to have, a brief existence.

New York city needs a permanent charter, as well as a good one; one which cannot be nullified or substantially repealed by the surreptitious insertion of a clause in a tax levy, or some other bill, or even by a specific law, with any and every change in the persons composing the Legislature. The charter of a city of a million inhabitants should be as well considered, as permanent and almost as sacred as the Constitution of a State. It should not only provide for the organization and conduct of the various departments of the local government, and clothe it with power to raise by annual tax the money necessary for its maintenance, but it should limit and restrict its power to create debts, except, by the consent of its people, expressed in a formal and authoritative manner. In

this respect it would be well if we could imitate in part at least our own State Constitution, which, after providing sinking funds for the payment of existing debts, forbids the creation of any new indebtedness, except with the express consent of the people, for some single work or object to be specified in the law, which must provide also for a direct tax to pay the interest every year, and the principal in a specified period. This permanent character cannot, however, be secured to a charter, without an amendment to our State Constitution.

In framing a new charter, now, the following point should be kept prominently in view :

1st. Fixing the responsibility for good administration of all city affairs upon the mayor ; and to this end giving him full power of appointment and removal of all heads of departments, except the police.

2d. Giving the people an early opportunity for a new election of local officers.

3d. Making the mayor subject to removal by the Governor, for malfeasance in office or neglect of duty.

4th. Providing for a police department, with three commissioners, to be appointed as follows: one by the mayor, one by the chief judge of the court of common pleas, and one by the chief judge of the Superior Court, to be removable, any of them, as in the case of sheriffs, by the Governor for cause. A board thus constituted and so subject to removal would be, as it ought to be, a strictly local board, subject to the same State supervision as sheriffs, who are conservators of the peace in their respective counties, and as free as any board could possibly be from the danger of improper personal or partisan influence.

5th. Requiring full monthly publication of all receipts and expenditures, and of all bonds issued, and frequent publication also of all contracts made by any department, with a statement of the general operations of each department and of their pay-rolls.

6th. Concentrating the responsibility of those composing what may be termed the legislative branch of the city government, by constituting this of only one board, a board of alderman not too numerous; this board, with the mayor, acting as supervisors, levying all taxes. A second board is not necessary. The common council is not called upon to pass laws, but to manage the affairs of a corporation. To divide it into two boards has the effect simply of scattering responsibility, weakening the sense of responsibility and dividing the watchfulness of the public. Making the board to consist of too many members will tend to the same evil results. If any plan can be devised for giving in the legislative branch of the city government, by election, a just and proportionate representation to the minority, it would be a wholesome improvement. In carrying out such a purpose, great care must be exercised lest the choice of their representatives be, practically, taken out of the hands of the people, as in the instance of the late board of supervisors, which was the worst device of modern times in connection with local government. The candidates named by either party were sure of being returned. The proper purpose of minority representation is to secure to the minority the opportunity of being heard in the public councils, without nullifying the rightful control of the majority or relieving it from its just responsibility.

7th. Providing that there shall be no debt created except for some single work or object by authority of law, and also under an ordinance to be submitted to or approved by the people of the city ; every ordi-



nance and law authorizing a debt to contain a provision for the extinguishment of the same within a fixed period; or else, giving to the mayor an absolute veto upon all ordinances creating or increasing the city debt. Upon all other ordinances, his vote should not be overruled except by the vote of three-fourths of all the members elected to the board of aldermen; and in the case of ordinances containing several items of appropriation of money, he should have power to veto some of them while approving of others.

8th. Giving compensation to all officers and appointees of the city government by fixed salaries and not by fees.

9th. Providing some well-defined, summary, and effectual remedy in the courts for tax-payers against abuses of trust by municipal officers, with the right also given to them, under proper restrictions, to examine from time to time the affairs of any of the departments.

10th. Providing that the acceptance of any office in, under or connected with the State government or the federal government shall vacate any office held by the same person in or under the municipal government, and that no person shall hold more than one office, at the same time, in or under the municipal government.

These suggestions, although made with especial reference to New York city, will apply generally to all large cities. City charters must, of necessity, according to population and circumstances, differ more or less in detail. What is needed in a city of a million of people, would not be required in one of fifty or a hundred thousand; and a general law aiming at entire uniformity in such characters is, in my judgment, not desirable. The people of any city, with a charter embracing the general provisions to which I have referred, can, if they choose, keep up a simple, honest and efficient local government; and under such a charter, if they will frown down corruption among the seekers as well as the holders of office; if they will condemn the lavish expenditure of money before election to secure office as earnestly as the stealing of it afterward; if they will make those who ask their suffrages understand that the candidate who by money demoralizes the elector is as much a criminal as the representative who takes a bribe; if they will bear in mind that spasmodic reform movements work no permanent good, but that a persistent attention to public affairs, on their part, is necessary to ensure a faithful administration by their representatives; they can secure all that is possible under any law or system of laws.

Simplicity is one great requisite in the charter of a city. Without it, responsibility can never be clearly and unmistakably defined and fixed. All complicated schemes which aim to secure to the minority an equal or unequal portion of the executive and administrative offices of a municipality, and so to make it share with the majority the responsibility of government will prove failures.

#### PURITY OF ELECTIONS.

At its last session, the Legislature adopted concurrent resolutions proposing an amendment of the Constitution relative to bribery. They have been duly published, and will, I trust, be favorably acted upon by you, so that they may be submitted to the people for their approval at the next general election. The proposed amendment relates to the corrupt expenditure of money to influence electors in voting, and, if it shall be adopted, laws may be enacted which will, if rigidly enforced, tend to check an evil which has assumed proportions of great magnitude. If I

may believe current rumors, men of otherwise good repute are in the practice of standing at the polls in many portions of the State—even in this city, the seat of government—with money carried openly in their hands, and of paying it, on the spot, to electors for their votes. No such open and shameless use of corrupt means has been charged in the city of New York, much as is said of election abuses there.

The fact that large sums of money are expended throughout the State at every election is well known. Much of it must be spent for corrupting the electors. In city and in country, men are nominated to office because they have been able to purchase a majority in nominating conventions in the first instance, and because it is known they can expend large sums, afterwards, to promote their own election and that of their associates on the same ticket. Men, not candidates, but who take an interest in public affairs, are called upon to contribute, and do contribute liberally toward securing party success. Individuals and parties are aided by moneyed corporations, who hope in this way to secure favorable legislation for their own interests, or to buy the countenance and support of the government from which they receive their privileges. In this way the moneyed power of the country is brought in to control elections and secure to itself what it deems strength; but it does so at the risk of its own safety; for it thus debauches the moral sentiment of the community. The love of money, we are told, is the root of all evil. It is, assuredly, the root of all evil in free governments; and the lavish expenditure of money in elections is the chief cause of the corruption in our politics. A man who expends large sums of money to secure an office is apt to seek to make it up himself when in office. I do not doubt that the multiplication of officers to be elected by the people has had much to do with introducing or increasing this corruption of our politics. The struggle between candidates for local offices is apt to be more intense than the competition for higher place before larger constituencies. It is easier, too, to calculate the influence of corrupt means, and it is easier, by them, to effect the election of candidates, when the constituency taking part in the election is limited in number. The amendment submitted to you will enable the Legislature to deprive of the right of suffrage every one who shall be convicted of receiving a bribe for his vote or of bribing an elector; and to pass laws providing that any candidate guilty of bribing the electors shall be deprived of the office to which, at any election where he was guilty of this offense, he may have been chosen.

The inconvenience occasioned to the electors, by registry laws, is not to be counted against them, if, by their means, we can insure pure elections. I have little faith in them to prevent fraud at the polls. They have been tried and have failed to prevent it. More frequent charges of fraud and of frauds of a grosser character, have been made since registry laws were put in operation than before. Many who have watched their working insist that they can be easily made, and have been made, a convenient cover for frauds, which, without them, could not have been committed. They have this effect, certainly, that the vigilance necessary to detect illegal voting has to be extended over several days, instead of the one day of election, requiring more time for this purpose than men will spare from their private business; and so the watchfulness over the poll list is, ordinarily, less general and probably less complete than under the system of challenging on the day of election.



Upon principle, a registry law, if any be passed, should apply to all parts of the State alike. Yet I am satisfied that intelligent public opinion in the rural districts, among men of all parties, does not favor one there. The inconvenience and expense to the electors in such districts, from such a law, are very great, with no adequate good result in compensation. The conviction, however, prevails extensively among intelligent men that, in large cities, registry laws can be made useful in securing the purity of the ballot; and this conviction is so strong that the continuance of the system in the larger cities may be advisable. All laws requiring a registry of the electors, previous to an election, should be made as little vexatious and oppressive to honest voters as is possible, consistently with securing proper identification of the person claiming the right to vote and due examination of his right. It must be borne in mind that it is not the province of a registry law to define the qualifications of voters, or to confer or restrict the right of voting. That right is conferred by the Constitution, and cannot be taken away by act of the Legislature, except in the few cases specified in the Constitution. Any law which you may pass, therefore, ought not to be framed so as to work the actual disfranchisement on the day of election of any elector who, for good reasons, such as sickness or absence from home, or his not having arrived at full age until after the last day of registry, was unable to have his name registered.

The complaints with regard to the late election in New York and Brooklyn, made through the press, are chiefly of false counting of ballots and false returns by inspectors of election. The general suspicion of the existence of such an evil is almost as injurious as the practice itself; our people, if led to believe that it is carried on extensively, will neglect to vote, and will lose their habit of submitting quietly to the result of an election. The crime is, under our form of government, one of the worst, in its nature and in its effects, and should be punished accordingly. It is a practice which, persisted in, is more likely to overturn our government than any open war that can be levied against it. We have wisely, in our statutes, restricted the definition of the crime of treason to acts of open war against the State government, and to combinations of one or more persons to overturn it by force. The crime of making false returns of votes cast at an election is, nevertheless, of the nature of treason; for it seeks to take away the lawful power and destroy the rights of the true sovereign in our government, the people.

You have the power to attach what penalty you think necessary to any species of offense against the laws; and those imposed should be sufficiently severe to deter men from committing crimes, yet not so extreme as to be likely to protect them from conviction.

Effectual laws against bribery of the electors and to take away an office obtained by bribery, thorough protection of the right of challenge on election day, severe penalties against miscounting of votes and against illegal voting, ought to suffice for the protection of the ballot, and will suffice if citizens, juries and public officers will do their duty.

#### PURITY OF LEGISLATION.

The people cannot be too fully awakened to the dangers inseparable from the growth of moneyed power in this country, whether wielded by individuals or corporations. It makes itself felt everywhere in our politics, and aims to control, and too often does control, legislation in Federal and State capitals. We cannot directly strike at it in other

States, or at Washington, but we can begin at the capital of our own State, and set an example to others. There is a popular belief that much important legislation, in past years, here, has been influenced by the direct use of money. This belief is so general and wide-spread, that it is due to the people that there should be a prompt and thorough legislative inquiry to ascertain whether it is well founded. If it be so, guilty men should be brought to justice under existing laws, if that is possible. If not, then proper laws should be passed to meet cases which may hereafter arise. The people will be slow to obey laws which, they believe, are enacted by a corrupt Legislature. Their demand to-day is not for municipal reform only, but for reform in every department of government, State and Federal, in which abuses may be shown to exist. Authority, whether executive or legislative, to be cheerfully obeyed, must be respected and honored.

### CONSTITUTIONAL REFORM.

A few years ago the people of this State voted in favor of holding a convention to frame a new Constitution; thus expressing their dissatisfaction with the existing Constitution. The convention was held; but, on the result of its deliberations being submitted to a vote, the people rejected the proposed new instrument, with the exception of one article, to wit, that relating to the judiciary. It is not a fair inference from this action of the people that they desired a convention for the single end of amending the judicial system of the State. That could have been done by the simple process of submitting, after due consideration by the Legislature, a single amendment, covering the one subject. The vote of the people calling a convention indicated that they recognized many defects in our existing Constitution. The vote rejecting the substitute proposed by the convention indicated that, in the popular judgment, the remedies suggested for these defects were not sufficient or satisfactory.

In my opinion the present Constitution of the State is very defective as a frame work of efficient republican government. In considering this subject, it must be borne in mind that the population of this State is now larger than that of the whole Union when the Constitution of the United States was put into operation, and that our State has, in fact, in the number of its people and the great interests protected by its laws, the proportions of a nation. It must also be remembered that the comfort, welfare and happiness of the people are affected in a very much greater degree by the laws of the State, and the manner of their enforcement, than by the operations of the general government. The title to property and the rights of, and the restraints upon, the owners of property, are regulated by State laws. The enforcement of business contracts of every nature are, in the main, in the hands of the State courts. The detection and repression of crime are dependent, except in a few rare instances, upon the enactment of proper criminal laws by the State Legislature and their due enforcement. The order of the community is under the guardianship of State laws, and dependent upon State authorities for its preservation. The powers of our municipal governments, whose action influences still more sensibly the peace and comfort of every man's home, are conferred and defined by the State government. It is obvious, therefore, that it is a matter of transcendent importance to every citizen of this great commonwealth, that it should possess a wisely constructed frame-work of government, adapted to secure the most wholesome legislation, the most efficient enforcement of law, the



most faithful administration of its affairs, and an uninterrupted maintenance of order.

I do not recommend the calling of another convention to revise the Constitution, at this time. The attention of the people will be much engrossed this year by the presidential election; but I trust that, immediately after that event, the efforts of our best citizens, of all parties, will be united to effect a thorough revision. Nor am I sure that a convention is a necessary or the best means by which to attain the end.

A commission of thirty-two (32) eminent citizens, to be made up by selection of an equal number from each of the two great political parties, would, it seems to me, be as likely to work out a good result as a larger body.

Such a commission could have all the benefit of the debate incident to a larger body through intelligent discussions in the press and the voluntary suggestions of thoughtful citizens; and would be almost certain to agree upon amendments which would secure the popular approval.

If you should be of the opinion that it is wise to appoint a commission, there can be no objection to your creating it at this session. Its report would not be made until after the presidential election, when the public mind would be in a condition to examine calmly, and to decide wisely. True, it is not the mode provided in the present Constitution for a revision of that instrument, but it cannot be doubted that a Constitution prepared by such a commission and submitted by them to the Legislature and by the Legislature submitted to the people in due form, would, if approved by a vote of the people, be regularly established and become substituted for the present Constitution.

You have, moreover, the constitutional power to originate any amendments to the existing Constitution, and if the same shall be concurred in by the Legislature to be chosen in eighteen hundred and seventy-three (1873), they may be submitted to a direct vote of the people, and if approved by them, will become a part of the Constitution.

My convictions are so strong that the present organic law of this State is full of serious defects, that I feel justified in calling your attention to the subject and pointing out the particulars in which, in my judgment, it fails as a means of securing to us the best possible administration of our public affairs.

The Constitution of the United States was constructed by a convention made up of the wisest and ablest men to be found in the thirteen States which then composed the Union. Each of these States had been obliged, some years earlier, to frame a Constitution for its own government. The delegates from the several States did not, therefore, come together as men inexperienced and new to the work they were called upon to perform. They brought with them, from their several constituencies, varying and indeed conflicting ideas of the powers which ought to be conferred upon the new government about to be established, and the manner in which those powers ought to be distributed among its several departments.

There is, of course, this difference between that instrument and the Constitution of a State: that the former originated a special government and conferred on it certain powers and none other, while in the State government all the powers of government inhere except such as, by the Constitution of the United States or by its own Constitution, it may be forbidden to exercise. This difference does not affect the question of how the powers of government may wisely be distributed among

the different departments, executive, legislative and judicial, nor that of how to provide the instrumentalities through which the government is to be administered. In most of these particulars the Constitution of the United States may wisely be followed.

Under the existing Constitution, the executive department of the State is not so organized as to insure the most efficient administration of affairs, and the most complete and direct responsibility. The duty of the chief executive officer, the Governor, is to see that the laws are faithfully executed. It is obvious that in the selection of the subordinate officers upon whom, within their separate departments, the duty is devolved of executing the laws of the State and administering its affairs, the chief executive ought to have a controlling voice. The experience alike of public affairs and of private business prove the expediency of a single executive. The laws and the rules under which public or private business is to be managed are to be carefully laid down and precautions taken against their violation; but when, subject to these rules and within their limits, the chief direction of affairs is given to one person, the best safeguard for faithful administration is provided by concentrating responsibility. The Governor ought to be held responsible for every branch of the actual administration of the State's affairs. Under our present Constitution, all the important departments are separated from his control. In the management of the finances of the State, of the canals, of the State prisons, in the prosecution of crime, the chief executive of the State has not, as he should have, the directing power. In order that responsibility may be full, direct, and unmistakably fixed, and that the people may always know who is to blame for any maladministration, all the heads of administrative departments should be subject to the supervision and the correcting power of the Governor. The duties of the Secretary of State are so directly connected with the details of executive action, especially in the matters of appointment to office and the issuing of pardons, that he ought to occupy the position of chief assistant and adviser of the Governor; and ought to be selected by him. The Attorney-General is the legal adviser of the Governor. The chief executive officer of the State should be allowed the privilege which all men exercise, of selecting for a legal adviser such person as is, in his judgment, the most competent. The Attorney-General ought to have supervision over and be responsible for the conduct of all that class of officers, throughout the State, which is charged with the duty of prosecuting for crime and other violations of State laws. Prosecuting officers for offenses against the laws of the State, now erroneously called district attorneys, should not be county officers, but be the deputies of the Attorney-General, appointed by him or by the Governor on his recommendation. In this way responsibility for the due enforcement of the laws could be brought home, as it should be, directly to the Governor, upon whom the duty is devolved to see that the laws are faithfully executed.

It appears to me proper that the Secretary of State and the Attorney-General should be appointed by the Governor without the intervention of the Senate, and hold office during his pleasure; and that the Comptroller, a superintendent of canals, and a superintendent of prisons, should, with or without the consent of the Senate, be appointed by the Governor to hold office during his own term, but removable by him at any time for cause. These officers would form a valuable council to the Governor.



On the superintendent of canals should be devolved all the duties now performed by the three Canal Commissioners and the State Engineer.

The management of the prisons of the State needs great reform which cannot be secured by a mere change of officers; the system is at fault. A constitutional amendment has been suggested putting these institutions under the charge of a board of citizens who are not to be paid for their services. While that would be an improvement on the present system, reflection upon the subject has convinced me that a better amendment would be to supersede the present commission of three Inspectors (elected one every year by the people) by one Inspector of State Prisons to be appointed by the Governor and to be removable by him. An advisory or examining board of citizens might be valuable in addition; but for the actual administration of prison affairs and the appointment of all subordinate officers, it would be better to have the responsibility concentrated upon one man, that one man being accountable to the Governor, than to have this responsibility divided among the members of a board or a commission.

It might be well that the State Treasurer, being the actual custodian of the public moneys, and perhaps the Superintendent of Public Instruction, should be appointed by joint ballot of the two Houses of the Legislature; but all other administrative officers of the State, in addition to those heretofore named, should, in my judgment, be appointed by the Governor, with or without the consent of the Senate, so as to make his responsibility for the good management of the public affairs complete. In connection with this part of the subject, I would recommend that the term of office of the Governor be extended to three years, which was its duration under the first Constitution of the State. If these changes could be made in the Constitution, the people would have an opportunity once in three years, of putting out of power the entire administration and bringing in a new set of men, whereas now they can make only a partial change every year. It has occurred more than once in consequence of a part of them going out of office each year, that some of the administrative officers of the State have been one of party, and others of the opposing party; a condition of things that bewilders the popular judgment when seeking to fix responsibility for maladministration.

In the Legislative department there is great need of providing additional safeguards against faulty and special legislation. For twenty years past, the laws passed exceed an average of five hundred a year; for the last six years they average over eight hundred a year, and it requires now two very bulky printed volumes of above two thousand pages to record the acts of each session. There can be no necessity for this mass of legislation. More than one thousand bills are now passed in a session; as the session lasts only about one hundred days, it will be seen that at least ten bills a day have to be passed through both Houses, and as three readings should be had of each bill in each House, it is plain that deliberation by the members of the two Houses over proposed laws is impossible.

Notwithstanding the deference which it is natural that the executive should pay to the Legislature in matters pertaining to their special duty, that of law-making, I have found myself obliged, in the course of three sessions, to withhold my official approval from an aggregate of three hundred and ninety-one bills. In addition, more than one hundred bills

have, after being delivered at the executive chamber, been recalled by the Legislature for reconsideration, in order to correct inaccuracies or strike out objectionable provisions, discovered in my examination of them. It is not right to rely solely upon the Governor to review proposed legislation. It must happen, under the present habit of passing laws, that bills will, at every session, receive the executive approval containing provisions which escape his scrutiny, and to which, if his attention had been called to them, he would have objected. The people must do their part, in guarding against improper legislation, when selecting their representatives in the Legislature; and the organic law should be so framed as to promote a wise selection.

Provision ought to be made in the Constitution securing the actual reading of every proposed law on three separate days in each House, and forbidding any substitute for the full and free discussion which pertains to consideration of a bill in committee of the whole House.

The provision in the existing Constitution limiting the session of the Legislature to one hundred days, has had no good practical effect. It has not lessened the amount of legislation; it has simply caused the members to act with the more haste. The restriction should be removed and a fair annual salary be paid to Senators and Assemblymen. There is no true economy in withholding from public servants a just compensation for their labor.

As a better restraint upon undue prolongation of a session, I suggest that power should be given to the Governor to prorogue the Legislature at any time after it shall have been in session for one hundred days.

The chief office of a Senate should be to review the action of the other House, to check and restrain improvident, hasty or unwise legislation; and, for the best discharge of this duty, it should be composed of men well versed in public affairs. Its name imports that it is to be a council of men of long experience. Every inducement should be held out to attract the right men to service in this body. The public cannot expect, any more than a private person, to command valuable services unless it offers an adequate reward. This reward need not be wholly pecuniary; the dignity of an office is often a more powerful inducement to the class of men we need in the public service. A long term and a large constituency would greatly enhance the dignity of the office of Senator, and make it attractive to our most distinguished citizens. If the Senatorial term were made four or five years and the State were divided into a small number of Senatorial districts, so as to throw the choice of Senator upon a large constituency, and the compensation made a fair one, I do not doubt that the ablest and most experienced of our public men would be found ready to apply themselves, in the Senate, to the important duty of securing good laws for the people.

In the constitution of the House of Assembly no improvement suggests itself to me, except to abolish the single Assembly districts as now established, and restore county representation; that is to say, that every county shall elect the whole number of Assemblymen to which it is entitled upon a general ticket.

In respect to the judicial department, the action of the people is so recent in adopting the new sixth article of the Constitution (still further action on their part next year, upon the mode of selecting judges in the future, being also already provided for), that it would not be wise to have any changes made.

Among the general provisions of the Constitution, there ought to be



one limiting the amount of indebtedness which municipalities may incur, and defining the purposes for which it may be incurred. Uniformity of the several classes of local governments, counties, towns, villages, ought to be secured by constitutional guaranty; so as to prevent special legislation with regard to them. It is impracticable, as I have already said, to frame a uniform charter for all our cities. But there are certain fundamental characteristics which ought to be found in all city charters, and ought to be secured by constitutional provision.

There should be more specific constitutional restraints upon legislative power to grant special charters for private corporations; upon special legislation generally; upon legislative awards of extra compensation to claimants under contracts and otherwise; all of which tend greatly to encumber the statute book, demoralize the Legislature, and deplete the treasury.

The veto power needs to be made more effectual. Two-thirds of all the members elected to either House should be required to overrule a veto, and where a bill contains several items of appropriation of money, the Governor should be authorized to refuse his assent to one or more of the items, while approving of others.

I have dwelt at this length upon the defects as they appear to me, of our present Constitution, as the best method of inviting attention on the part of the Legislature and the people to the subject.

The excitement of a long war, and the events succeeding it, have operated to divert our attention from our immediate home affairs. It is time we began to look to them.

The framers of the Constitution of 1846, eager for decentralization of power, made the mistake of supposing that this was to be effected by breaking apart and disconnecting the machinery whereby the State government is to be carried on, and by multiplying the number of elective officers. Decentralization consists in giving to the people of every county or other political subdivision complete control of their own proper local affairs, not in giving to the people of a county the selection of State officers, of officers whose duties are exclusively connected with the general affairs of the State and the enforcement of the laws of the State. It is singular that true decentralization, which is to be found in enlarging the powers of the boards of supervisors of the several counties, was not provided for in the Constitution except by leaving the matter to be regulated by the Legislature.

Of the various methods by which a revision of the Constitution may be undertaken, my preference is for the appointment of a commission consisting of thirty-two members; and I recommend the passage of an act for the appointment of such a commission.

Mindful of the fact that the majority of the Legislature and the executive are of opposed political parties, I refrain from discussing questions connected with the administration of the federal government, upon which our opinions and views would widely differ; hoping that, in dealing with the home affairs of the State, we may be able to work together, earnestly and heartily, for the promotion of the general welfare of our people.

JOHN T. HOFFMAN.

Mr. Speaker presented the annual report of the Comptroller; which was laid on the table and ordered printed.

(See Doc. No. 3.)

Also, the annual report of the Auditor of the Canal Department; which was laid on the table and ordered printed.

(See Doc. No. 4.)

Mr. Van Buren, private secretary of His Excellency the Governor, appeared and presented the following message:

EXECUTIVE CHAMBER, }  
ALBANY, *January 2, 1872.* }

*To the Legislature:*

The financial condition of New York city is a matter of great interest to the people of the State at large, and, in some degree, to the commercial world, its stocks and bonds being held for investment at home and abroad. In view of the recent events, I deemed it my duty to procure for you full information as to its liabilities and resources, and addressed a letter to the chairman of the State board of commissioners for revision of the tax laws, the Hon. David A. Wells, who seemed to me specially fitted for the work, requesting him to investigate and report to me. In consequence of delay in his obtaining some of the facts, his report did not reach me until my annual message was in print. My letter to him and his reply are as follows:

EXECUTIVE CHAMBER, }  
ALBANY, *November 25, 1871.* }

MY DEAR SIR.—The financial condition and credit of New York city are of interest as well to the people of the State at large as to its own citizens. It is important that the actual condition of our great metropolis, in reference to its indebtedness and its resources, should be made known with accuracy; and I desire to communicate the facts to the Legislature and the people of the State in my next message. Will you undertake to investigate the matter in my behalf?

Very truly yours,  
JOHN T. HOFFMAN.

HON. DAVID A. WELLS, *Chairman, etc.*

NEW YORK, *December 28, 1871.*

SIR.—In response to your note of November 25th, requesting me to investigate and report to you on the relation which exists between the indebtedness of the city and county of New York and the resources available for the payment of such indebtedness, or the extent of the resources of property which may be fully regarded as constituting an adequate and inalienable security for the ultimate payment in principal and interest of such indebtedness, I have the honor to submit the following exhibit:

#### FUNDED DEBT.

By report furnished on request by Hon. A. H. Green, comptroller, it appears that the funded debt—bearing *five, six, and seven* per cent interest—of the city and county of New York, was, on the 16th day of December, 1871, \$87,371,808.51; and the assets of the sinking fund of the city and county—consisting of stocks and cash—available for the redemption of debt, were, on the same day, \$20,137,093.02; thus making the present *net* funded debt of the city and county of New York, \$67,234,715.49.

#### FLOATING OR TEMPORARY DEBT.

The temporary or floating debt of the city and county of New York—consisting of bonds issued in anticipation of receipts and assessments, arrears of interest, State taxes, unpaid warrants and the like—was, on



the 16th day of December, 1871, \$28,259,071.35; or, deducting cash on hand—\$6,959,919.62 in the city and county treasury—\$21,299,152.73.

In addition to the above, the comptroller also reports claims already presented on unsettled accounts, to an estimated aggregate of \$6,000,000; which last included would make the total *ascertained* debt and "claims presented" of the city and county of New York, on the 16th of December, 1871, \$94,523,867.22.

#### PROSPECTIVE INDEBTEDNESS.

So much for the present aspect of the indebtedness of the city and county of New York. In respect to the future, it is to be noted:

*First.* That much of the existing temporary and floating debt of the city and county of New York, as above indicated—including an aggregate of assessment bonds issued in anticipation of the tax receipts of \$14,950,700.00—is redeemable from the collection of assessments, or arrears of taxes, and that a very considerable amount of these assessment and arrears is certain to be collected; and,

*Second.* That the city holds bonds and mortgages on account of sales of real estate to the amount of \$1,132,893.26; the proceeds of which, when collected, are applicable for an increase of the sinking fund held for the redemption of the funded debt.

On the other hand it is known that claims to a very considerable amount for services rendered and materials furnished to the several departments of the city and county government during the year 1871 and previously, are yet to be presented, and that the carrying out of such public works as are already in progress or are certain to be authorized, will also require further additional expenditures.

But in estimating the amount of these prospective requirements for expenditures, it should not be overlooked, that the amount of claims against the city yet to be presented is not likely to be in excess of the arrears of assessments and taxes yet to be collected; and further that the amount to be hereafter expended on account of public improvements cannot, with any regard for economy and moderation, ever prove disproportionate to the concurrent increase in the material resources of the city, arising from its certain and rapid increase in wealth, business and population.

So that making every allowance for contingencies, or any immediate advances on account of public improvements, the total present liabilities of New York city and county may be safely estimated as not in excess of *one hundred millions of dollars*; and further that the ratio which the liabilities of the city and county at present sustain to their assets and resources, is not likely to be changed for the worse in the future; certainly *not* if the safeguards against corruption and extravagant expenditure, suggested by recent experience, are by the Legislature authorized and provided.

#### INFLUENCE OF PUBLIC IMPROVEMENTS IN AUGMENTING THE SOURCES OF MUNICIPAL REVENUE.

As bearing upon the question of future municipal liabilities, on account of expenditures for public improvements, it is interesting to note the result which has followed one of the largest single items of expenditure authorized by the city for such purpose, and which at the time of its inception was denounced by many as a measure of indefensible extravagance. We refer to the expenditure incurred by reason of the construc-

tion of the "Central Park;" the cost of which, up to 1869, is returned at \$10,463,965.

Now an examination of all the facts pertaining to this expenditure will show, that so far from its having been a burden upon the city treasury, it has really proved a direct and important source of revenue. Thus, in 1856, before the park was commenced, the total valuation of real estate for taxation in the three wards around the park, the twelfth, nineteenth, and twenty-second was \$26,429,566; but in 1866, when the park had been practically completed, the valuation of the same property for assessment was returned at \$80,070,415, an increase in ten years of \$53,640,850. And further, the revenue received by taxation on this increased valuation, was sufficient, in 1870, to not only pay the interest on all the bonds of the city issued for the park purchase and construction, but actually afforded a surplus of over (\$3,000,000) *three millions of dollars*; or a sum sufficient, if used as a sinking fund, to pay the entire principal and interest of the cost of the park, in less time than the park was in the course of construction.

#### ASSETS AND RESOURCES.

The maximum of the liabilities of the city and county, on account of indebtedness, having been thus estimated, we come next to the no less important consideration of the assets and resources available for the payment of such indebtedness; or the real tangible property which may be properly regarded in the nature of security or guaranty for the payment of such obligations of indebtedness as the city and county of New York may have lawfully issued.

Any valuation of the public property of the city must from necessity be very indefinite, inasmuch, as many of the items which would be included in any inventory—as the streets, sewers, lamps, public monuments and the like, are not susceptible of a money valuation; and if attached, would be practically of no benefit in the hands of a city creditor; but apart from these, it cannot be doubted that the value of the lands and buildings, wharfs, water, ferry and market rights in possession of the city and county, and which can be readily convertible in open market into a money equivalent, is in excess of every present municipal or county indebtedness.

The valuation of the public property of the city of New York, given by the mayor in an official communication to the board of supervisors, August 16th, 1871, was \$242,985,499.

In this valuation were comprised the following:

|                                |                      |
|--------------------------------|----------------------|
| Markets .....                  | \$4,767,374          |
| Sundry lots of land .....      | 2,719,307            |
| Wharfs and piers .....         | 13,322,433           |
| Public parks and squares ..... | 106,416,490          |
| Total .....                    | <u>\$126,725,574</u> |

Next to the so-called public property of the city and county, the property most rapidly available for attachment and levy in case of a default in the payment of the principal or interest of the city's indebtedness, is the real estate of the city and county, the revenue derived from the assessment and taxation of which constitutes also the main element and strength of its municipal credit.

The valuation of this class of property for the year 1871, as returned by the commissioners of taxes and confirmed by the board of supervisors,



was \$769,306,410. But it ought to be clearly understood, that this valuation for tax purposes does not represent any fair valuation of the property assessed, or even an approximation thereto, and in great part for the following reasons.

The taxation required to defray the expenditures of the State, as a whole, is apportioned to the several counties of the State according to their property valuation; and hence there has been for years, and is now, a strife between the different boards of county officials to run down the valuation of property to the very lowest practical figure, in order to divert as large a proportion of the State taxation as possible from themselves, and throw it upon the neighbors; and as some of the counties in the interior of the State have been so successful in doing this as to actually reduce their valuation to *thirty, twenty*, and even a smaller proportion of the real and true value of the property assessed, a similar course of procedure has been forced upon the tax officials of New York, as a matter of necessity and local protection. And thus it has come about that, instead of the returned assessment valuation of \$769,306,410 for 1871-2, representing the true market value of the real estate of the city and county of New York, in private ownership, it does not, in all probability, represent more than *forty per cent* of such true value; an estimate which, instead of being a conjecture, is based on a large amount of evidence, recently collected by an expert for the board of commissioners for revising the laws of the State relative to taxation.

The conclusion, therefore, seems warranted that the value of the real estate of the city of New York—public and private—which may be fairly regarded as an available security for the liquidation of the city and county debts, cannot be less than *two thousand million dollars* on which the present debt, as above estimated, namely, \$100,000,000 would be equivalent to a mortgage of five per cent.

In this estimate, it will be observed that no account has been taken of the valuation of the personal property owned or held by citizens of the city or county of New York. The amount of such property valued and assessed for the year 1871-2 was \$306,947,223. The investigations of the State commissioners lead, however, to the conclusion that this amount does not represent so much as *twenty per cent* of the real value of this description of property concentrated in the city of New York; or, in other words, that the true value of the personal property of New York city cannot be estimated at less than *fifteen hundred millions*. Much of this property, it must be acknowledged, can never be reached for assessment purposes by any law which the ingenuity of man can devise; or which any civilized people would tolerate in respect to execution; but, whether returned for assessment or not, it nevertheless exists, and by increasing the ability to pay, operates to decrease the real burden of taxation imposed on other property of a more tangible and accessible character.

It is also to be noted, that if the new plan of assessing personal property recommended by the State board of commissioners, and which is to be presented this winter to the Legislature in the form of a definite code, is adopted, namely, doing away with the direct assessment of individuals for personal property, and substituting therefor, as an equivalent the assessment of individuals on a valuation of three times the rent or rental value of the premises by them occupied, the amount or equivalent of such property returned for assessment and taxation will be very greatly

increased ; and the financial resources of the city be thereby correspondingly augmented.

#### INCREASE OF NEW YORK IN POPULATION AND WEALTH.

In estimating the prospective ability of the city of New York to sustain and liquidate indebtedness the recent and prospective increase of the city in population and wealth constitutes an element of not a little importance. Thus, from 1820 to the year preceding the outbreak of the civil war, 1860, the average rate of increase for each successive period of five years, was 28 per cent ; a continuous rate of growth, probably without precedent, in any country. During the period of the war, or from 1860 to 1865, the population of the city decreased  $9\frac{3}{4}$  per cent. Since 1865, or during the five years from 1865 to 1870 inclusive, the gain in the population was  $26\frac{3}{4}$  per cent ; thus indicating that the average rate of increase experienced prior to 1860, was again likely to be approximated.

The increase in the valuation of the property of the city and county for assessment purposes, during the *ten* years from 1860 to 1870, was  $82\frac{1}{2}$  per cent.

The present increase in the value of the real estate of the whole city for assessment purposes, is estimated by experts to average about *five* per cent per annum.

#### RELATION OF TAXATION TO POPULATION AND PROPERTY.

It is also interesting to note the relation which taxation sustains to population and property in New York and some of the other leading cities of the country. The following data are derived from the most authentic sources.

*City of New York.*—Population, 1870, 952,292 ; aggregate State, city, county and school taxes, 1870, \$25,403,859 ; special taxes as estimated by officials, \$2,000,000 ; total taxation, \$27,403,859. Taxation *per capita*, \$29.08.

*Boston.*—Population 1870, 250,526 ; aggregate of all taxation, 1870, \$9,050,420 ; taxation *per capita*, \$36.

*Chicago.*—Population 1870, 298,977 ; total taxation, general and special, 1870, \$9,256,333 ; taxation *per capita*, \$30.

But as in the opinion of some experts, the burdens of taxation in any community are properly represented by the relation which the aggregate of the annual levy of taxes sustains to the value of property assessed, attention is further asked to the following comparisons :

In Boston and Philadelphia real estate is returned for assessment at nearly its full marketable value. On this basis, the relation of taxation to real estate valuation in these two cities would be as follows :

*Boston.*—Real estate valuation, 1870, \$365,593,100 ; aggregate taxation 1870, \$9,050,420 ; ratio of taxation to real property valuation, 1 to 40.

*Philadelphia.*—Real estate valuation, 1871, \$491,844,096 ; aggregate taxation, 1871, \$9,026,753 ; ratio of taxation to real property valuation, 1 to 54.

*Cincinnati.*—Real estate valuation as made anew for 1871, \$123,427,888 ; aggregate taxation 1871, \$4,004,035 ; ratio of taxation to real property valuation, 1 to 30.

In the city of New York on the other hand on valuation of real estate acknowledged to be only about 40 per cent of the real property, the



ratio of aggregate taxation to real property valuation would have been in 1870, as 1 to 27; but if the valuation of the real estate of New York were advanced in proportion to the value taken for assessment purposes in Boston and Philadelphia, the ratio instead of being as 1 to 27, would be much more favorable than in either of the cities above mentioned, or in the approximative ratio of at least 1 to 65.

It is therefore evident, that in comparison with the actual accumulated and tangible wealth of the city of New York, any liability, on account of indebtedness, which the city has yet incurred, or is prospectively likely to incur, is very insignificant; and, with a reasonably honest, efficient and economical government, such as public opinion and legislative authority, guided by recent experiences, seems certain to compel, there can be no good reason why the interest bearing debt obligations of the city should not be regarded as the most desirable of investments.

I am, yours, most respectfully,

DAVID A. WELLS,

*Chairman Board of Commissioners for revision of the laws of the State of New York, relating to the assessment and collection of taxes.*

To Hon. JOHN T. HOFFMAN,

*Governor of the State of New York.*

I have also received a letter, dated 29th December, 1871, from Hon. Andrew H. Greene, comptroller of the city of New York, in which he says:

"Immediate legislation is essential for the maintenance of the credit of the city by the meeting of the obligations maturing early in January and to make provision for past claims which are due and which are of pressing importance. Equally important is prompt legislation to make provision for the maintenance of the government of 1872.

"As the law appears now (chap. 583, sec. 3 of 1871), no authority exists to make appropriations until May next, leaving the four first months of the year 1872 without any provision by which payments of necessary expenses for these months can be made."

I respectfully ask your immediate attention to those suggestions, and such early legislation with reference to them as may be necessary and proper.

JOHN T. HOFFMAN.

Which was laid on the table and ordered printed, and referred to the committee on the affairs of cities, when appointed.

(See *Doc. No. 6.*)

On motion of Mr. Alvord, the House took a recess until 4 o'clock P. M.

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#### FOUR O'CLOCK P. M.

The House again met.

The Hon. David S. Paige appeared, and the oath of office was administered to him by the Speaker.

Mr. Houghton offered for the consideration of the House a preamble and resolution, in the words following, to wit:

*Whereas*, Hon. George West, member elect from the first Assembly district of Saratoga county, is detained from attendance in this House by ill health; therefore,

*Resolved*, That his son, George West, Jr., be permitted and authorized to take his seat upon this floor for the purpose of drawing his father's seat.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. D. L. Babcock,

*Resolved*, That Mr. Springsted, of Albany, be allowed to select his seat, on account of deafness.

On motion of Mr. Prince,

*Resolved*, That Mr. Strahan, of Orange, being detained from the House by sickness, Mr. B. B. Bignall, of Tioga county, be allowed to select a seat for him.

On motion of Mr. Rose, Mr. Alvord was allowed to retain the seat formerly occupied by him.

Mr. Fort offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That C. S. Sage, of Oswego, be allowed to select his seat, on account of deafness.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative.

Mr. I. D. Brown moved to reconsider the vote upon said resolution.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Alvord moved that the Hon. Mr. Osgood be allowed to select his seat, on account of his infirmity.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Prince, from the committee appointed to examine the ballots for drawing seats, reported that the committee found the ballots correct.

The drawing was then proceeded with, and resulted as follows:

|                    |     |                  |     |                 |     |
|--------------------|-----|------------------|-----|-----------------|-----|
| Abbott.....        | 97  | Gregory.....     | 51  | Osgood.....     | 50  |
| Aitken.....        | 70  | Griffin.....     | 79  | Paige.....      | 21  |
| Alberger.....      | 81  | Haight.....      | 27  | Peck.....       | 25  |
| Alvord.....        | 61  | Hart.....        | 54  | Pell.....       | 53  |
| D. L. Babcock..... | 4   | Haughton.....    | 12  | Pierce.....     | 108 |
| I. H. Babcock..... | 84  | Hawkins.....     | 24  | Preston.....    | 126 |
| Badeau.....        | 68  | A. L. Hayes..... | 102 | Prince.....     | 55  |
| Baltz.....         | 80  | J. Hayes.....    | 16  | Ray.....        | 2   |
| Beckwith.....      | 93  | Healy.....       | 6   | Rice.....       | 110 |
| Bemus.....         | 76  | Herrick.....     | 104 | Roche.....      | 111 |
| Bennett.....       | 37  | A. Hill.....     | 44  | Rose.....       | 117 |
| Berri.....         | 64  | D. B. Hill.....  | 32  | Sage.....       | 17  |
| Blair.....         | 47  | Holdridge.....   | 39  | Shepardson..... | 90  |
| E. E. Brown.....   | 22  | Hollister.....   | 121 | Simson.....     | 40  |
| I. D. Brown.....   | 67  | Houghton.....    | 8   | Smiley.....     | 87  |
| Buckley.....       | 42  | Hungerford.....  | 106 | Smith.....      | 30  |
| Buell.....         | 116 | Husted.....      | 77  | Smyth.....      | 74  |
| Burns.....         | 85  | Hyatt.....       | 73  | Sniper.....     | 49  |
| Burritt.....       | 122 | Jacobs.....      | 38  | Snyder.....     | 114 |
| Campbell.....      | 101 | Judd.....        | 48  | Springsted..... | 15  |
| Carroll.....       | 33  | Kennedy.....     | 94  | Squires.....    | 7   |
| Chamberlain.....   | 41  | Kingsland.....   | 118 | Strahan.....    | 65  |
| Chambers.....      | 1   | Knapp.....       | 19  | Swain.....      | 92  |
| Cook.....          | 18  | Knettles.....    | 66  | Tilden.....     | 14  |
| Couchman.....      | 34  | Lewis.....       | 63  | Tobey.....      | 82  |
| Crandall.....      | 10  | Lincoln.....     | 107 | D. Tomkins..... | 23  |



|                |     |                 |     |                     |     |
|----------------|-----|-----------------|-----|---------------------|-----|
| Davidson.....  | 11  | Lippitt.....    | 91  | M. M. Tompkins .... | 88  |
| Dunphy.....    | 58  | G. D. Lord..... | 75  | Tucker.....         | 125 |
| Dykeman.....   | 83  | G. P. Lord..... | 69  | Twombly.....        | 26  |
| Eastman.....   | 99  | Lott.....       | 95  | A. L. Van Dusen.... | 72  |
| Ely.....       | 23  | Loughran.....   | 31  | W. J. Van Dusen.... | 29  |
| Enos.....      | 98  | Lynde.....      | 119 | Vedder.....         | 59  |
| Fields.....    | 35  | Mackay.....     | 103 | Wells.....          | 113 |
| Flammer.....   | 89  | Marcy.....      | 78  | West.....           | 9   |
| Foley.....     | 13  | Moore.....      | 96  | Whitbeck.....       | 127 |
| Fort.....      | 98½ | Morton.....     | 62  | White.....          | 56  |
| Fowler.....    | 46  | Moseley.....    | 71  | Whitaker.....       | 123 |
| Frear.....     | 109 | Mosher.....     | 112 | Wiley.....          | 43  |
| Geib.....      | 57  | Moulton.....    | 20  | Woodward.....       | 105 |
| Goring.....    | 100 | Murdock.....    | 5   | Woolsey.....        | 28  |
| Goss.....      | 86  | Niles.....      | 124 | Wyman.....          | 52  |
| Green.....     | 115 | Oakley.....     | 128 | Yeomans.....        | 36  |
| Greehalgh..... | 60  |                 |     |                     |     |

Mr. Alvord moved that when the House adjourn it adjourn to meet to-morrow morning at 11 o'clock, and that the House meet each day at that hour.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

On motion of Mr. Alvord, at 6 o'clock and 40 minutes, the House adjourned.

## WEDNESDAY, JANUARY 3, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Clark.

The journal of yesterday was read.

Mr. Hawkins moved to correct the journal by striking out the words "contesting the seat now occupied by Thomas C. Fields," in the latter part of the record of a memorial from New York relative to the seat of Mr. Fields of New York.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The journal was then approved.

Mr. Foley presented a petition of John Whitman, of Islip, Suffolk county, which was read and referred to the committee on ways and means.

Mr. Mackay introduced a bill entitled "An act in relation to examinations before magistrates of persons charged with crime," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act in relation to indictments and criminal proceedings," which was read the first time, and by unanimous consent, was also read the second time, and referred to the committee on the judiciary.

Mr. Twombly introduced a bill entitled "An act to provide in part for the government of the city of New York by certain removals from and appointments to office therein," which was read the first time, and by

unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

On motion of Mr. Twombly, said bill was ordered printed at once.

Mr. Aitken introduced a bill entitled "An act to regulate a ferry between the cities of New York and Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Hawkins introduced a bill entitled "An act to confirm orders of the court of general sessions of the peace in and for the city and county of New York, continuing the last November term thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Hawkins moved that said bill be printed immediately.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Greenhalgh introduced a bill entitled "An act to legalize and confirm the election of Harrison Clute as superintendent of the poor of the county of Schenectady," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. D. B. Hill introduced a bill entitled "An act for the better protection of the mechanics of this State, by the abolition of the contract system in the State prisons, and for other purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

Mr. Tucker introduced a bill entitled "An act to authorize the trustees of Unadilla Academy to sell and convey the property of that corporation and to dispose of the proceeds of sale," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

Also, a bill entitled "An act to amend an act to provide for the incorporation of companies to construct plank-roads, and of companies to construct turnpike roads, passed May 7, 1847, and the acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Squires introduced a bill entitled "An act for the extension of the Utica, Chenango and Cortland railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Speaker administered the oath of office to Eugene L. Demers and James H. Lee, first and second assistant door-keepers.

Mr. Speaker announced the appointment of the following committee on privileges and elections:

Messrs. Strahan, Twombly, Springsted, Burns, Marcy, D. B. Hill and Moseley.

Mr. Whitaker introduced a bill entitled "An act to incorporate the Wawarsing Savings Bank," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Mr. I. H. Babcock introduced a bill entitled "An act to incorporate the Lockport Driving Park Association," which was read the first time, and by unanimous consent, was also read the second time, and referred to the committee on internal affairs.



Mr. Alvord offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That twenty-five hundred copies of the Governor's message be printed for the use of the Governor, of which two hundred and fifty shall be bound in cloth.

*Ordered*, That said resolution be referred to the committee on public printing.

On motion of Mr. Prince,

*Resolved*, That the seats in the rear of the Assembly chamber be reserved for the use of ladies, and the gentlemen accompanying them.

Mr. I. D. Brown offered for the consideration of the House resolutions, in the words following, to wit:

*Resolved* (if the Senate concur), That section 8 of article 7 of the Constitution of this State be amended so as to read as follows:

§ 8. No moneys shall ever be paid out of the treasury of this State, or any of its funds or any of the funds under its management, except in pursuance of an appropriation by law, nor unless such payment be made within two years next after the passage of such appropriation act; and every such law making a new appropriation or continuing or reviving an appropriation, shall distinctly specify the sum appropriated and the object to which it is to be applied, and it shall not be sufficient for such law to refer to any other law to fix such sum; and no gift, loan or appropriation of public money or property shall be authorized or made by the Legislature, or by the corporate authorities of any county, city, town, or other municipal organization, to, or in favor or aid of any institution, association or object, which is under ecclesiastical or sectarian management or control.

*Resolved* (if the Senate concur), That the foregoing amendment be referred to the Legislature, to be chosen at the next general election of Senators, and that in conformity to section 1 of article 13 of the Constitution, it be published for three months previous to the time of such election.

*Ordered*, That said resolutions be laid on the table.

Mr. Bennett offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved* (if the Senate concur), That when this House adjourn on Thursday, January 4th, it adjourn to meet on Monday evening next at 7½ o'clock.

By unanimous consent, said resolution was considered.

Mr. Prince moved to amend by striking out the words "Monday evening next at 7½ o'clock," and inserting in lieu thereof the words "Tuesday morning at 11 o'clock."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said resolution, and it was determined in the affirmative.

{ AYES 83 }  
{ NOES 31 }

Those who voted in the affirmative, were

|               |          |             |         |        |
|---------------|----------|-------------|---------|--------|
| Abbott        | Crandall | Haughton    | Moore   | Smith  |
| Aitken        | Dunphy   | Hawkins     | Moseley | Smyth  |
| D. L. Babcock | Dykeman  | A. L. Hayes | Mosher  | Snyder |
| I. H. Babcock | Ely      | J. Hayes    | Murdock | Swain  |
| Baltz         | Enos     | Herrick     | Oakley  | Tobey  |

|             |         |            |         |                |
|-------------|---------|------------|---------|----------------|
| Beckwith    | Fields  | A. Hill    | Osgood  | M. M. Tompkins |
| Bennett     | Flammer | Hollister  | Paige   | Tucker         |
| E. E. Brown | Fowler  | Hungerford | Peck    | W. J. VanDusen |
| Buckley     | Frear   | Jacobs     | Pell    | Wells          |
| Burns       | Geib    | Judd       | Preston | Whitbeck       |
| Burritt     | Goring  | Kennedy    | Prince  | White          |
| Campbell    | Goss    | Knettles   | Ray     | Whitaker       |
| Carroll     | Green   | G. P. Lord | Roche   | Wiley          |
| Chamberlain | Gregory | Loughran   | Sage    | Woodward       |
| Chambers    | Griffin | Lynde      | Simson  | Woolsey        |
| Cook        | Haight  | Mackay     | Smiley  | Yeomans        |
| Couchman    | Hart    | Marcy      |         |                |

Those who voted in the negative, were

|             |            |            |            |                 |
|-------------|------------|------------|------------|-----------------|
| Alvord      | Greenhalgh | Lewis      | Moulton    | Speaker         |
| Berri       | Holdridge  | Lincoln    | Niles      | Springsted      |
| I. D. Brown | Houghton   | Lippitt    | Pierce     | D. Tomkins      |
| Davidson    | Hyatt      | G. D. Lord | Rice       | A. L. Van Dusen |
| Eastman     | Kingsland  | Lott       | Rose       | Vedder          |
| Foley       | Knapp      | Morton     | Shepardson | Wyman           |
| Fort        |            |            |            |                 |

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

Mr. Speaker presented a message from His Excellency the Governor, in the words following, to wit :

EXECUTIVE CHAMBER,  
ALBANY, *January 3, 1872.* }

*To the Assembly :*

I transmit to you a report made to me by the commissioners of quarantine, in response to my request that they examine into alleged abuses; and the answer of the health officer thereto.

JOHN T. HOFFMAN.

Said report was laid on the table and ordered printed.

(*See Doc. No. 10.*)

Mr. Speaker announced the appointment of the following committee on rules:

Messrs. Husted, Prince, Rose, D. B. Hill and Jacobs.

On motion of Mr. Alvord, at 11 o'clock and 45 minutes, the House adjourned.

THURSDAY, JANUARY 4, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Selkirk.

The journal of yesterday was read and approved.

The Senate sent for concurrence a resolution relative to the adoption of the Fifteenth Amendment to the Federal Constitution, which was read and referred to the committee on the judiciary.

Mr. Speaker presented the annual report of the Superintendent of the Banking Department; which was laid on the table and ordered printed.

(*See Doc. No. 7.*)

Mr. Speaker presented a communication from the Attorney-General, in answer to a resolution of the Assembly, passed April 21, 1871, relative to the New York Elevated railway.



On motion of Mr. Prince, said communication was laid on the table and ordered printed.

(See Doc. No. 12.)

Mr. Speaker presented the annual report of the State Engineer and Surveyor, on the canals, for the year ending September 30, 1871; which was laid on the table and ordered printed.

(See Doc. No. 11.)

The Senate returned the concurrent resolution relative to adjournment, with a message informing that they had passed the same with the following amendment:

Strike out the words "this House," and insert in lieu thereof the words "the Legislature."

Also, strike out the words "eleven o'clock," and insert in lieu thereof the words "7½ o'clock P. M."

Mr. Speaker put the question whether the House would agree to said amendments, and it was determined in the affirmative.

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing that they had concurred in said amendments.

This being the day assigned by the rules for the consideration of general orders,

By unanimous consent, said order of business was laid on the table.

Mr. Mackay introduced a bill entitled "An act to provide public lodging houses in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act in relation to appeals in criminal cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Woolsey introduced a bill entitled "An act to authorize the Bruynswick Rural Cemetery Association, in the county of Ulster, to acquire title to property for burial purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Hyatt introduced a bill entitled "An act to amend section eleven, subdivision three of the Code of Procedure, relative to the time of bringing appeals," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. D. L. Babcock introduced a bill entitled "An act in relation to filling vacancies in the board of public instruction of the city of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

Mr. Griffin introduced a bill entitled "An act to amend chapter 925, of the Laws of 1871, entitled 'An act to amend chapter 907, of the Laws of 1869, etc,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Alvord introduced a bill entitled "An act to confirm the title of certain persons to real estate questioned by reason of alienage of former owners," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on petitions of aliens.

Mr. Marcy introduced a bill entitled "An act to amend chapter 156 of the Laws of 1868, entitled 'An act to incorporate the village of Greenport, Suffolk county,'" which was read the first time, and by unanimous

consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Prince introduced a bill entitled "An act to amend an act entitled 'An act to extend the powers of boards of supervisors except in the counties of New York and Kings,' passed May 11, 1869," which was read the first time, and by unanimous consent, was also read the second time, and referred to the committee on internal affairs.

Mr. Judd introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the village of Port Richmond,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Fort introduced a bill entitled "An act to facilitate the construction of the Lake Ontario Shore railroad and to amend the several acts in relation thereto and to authorize any life insurance company or any trust or loan company or any savings bank of this State to invest their funds or money on deposits in bonds issued by any county, town or village of this State in aid of said road," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. D. B. Hill introduced a bill entitled "An act in relation to the filing of the certificate of incorporation of the Keating Lumber Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. I. H. Babcock introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the city of Lockport and the acts amendatory thereof,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Pierce introduced a bill entitled "An act to establish the rates of toll on the western plank-road," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Lott introduced a bill entitled "An act to confer upon Horace C. Tracy and Peter Fish the right to establish a ferry across Cayuga lake and to extend in their behalf an act to establish such ferry, passed April 5, 1844, and extended by chapter 31, Laws of 1868, to Horace C. Terry and Isaac A. Brokaw for the term of fourteen years from the fifth day of April, 1858," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Hawkins moved to discharge the committee on the judiciary from further consideration of the bill entitled "An act to confirm orders of the court of general sessions of the peace in and for the city and county of New York, continuing the last November term thereof," and that said bill be referred to the committee of the whole.

Mr. Alvord raised the point of order that, under the rules, no bill can be considered in committee of the whole until it has regularly passed through the hands of a standing committee and they report thereon.

Mr. Speaker ruled the point of order not well taken.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Hawkins.

Pending this,

On motion of Mr. Smyth, at 11 o'clock and 53 minutes, the House adjourned.



## TUESDAY, JANUARY 9, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Clark.

The journal of Thursday, the 4th inst., was read and approved.

Messrs. Strahan and West appeared, and were sworn in as members of the Assembly by the Speaker.

This being the day assigned by the rules for the consideration of general orders,

On motion of Mr. Alvord, the House resolved itself into a committee of the whole on the annual message of His Excellency the Governor.

And after some time spent therein, the Speaker resumed the chair, and Mr. Alberger, from said committee, reported progress on same, and asked leave to sit again.

The question being upon agreeing to the report,

Mr. Alvord moved to discharge the committee of the whole from the further consideration of the annual message of His Excellency the Governor, and that its several parts be referred to the appropriate committees.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker announced the following standing committees of the House:

## WAYS AND MEANS.

|                       |                     |
|-----------------------|---------------------|
| Mr. Alvord, Onondaga; | Mr. Hart, Orleans;  |
| Marcy, Suffolk;       | Fort, Oswego;       |
| Houghton, Saratoga;   | Jacobs, Kings;      |
| Pell, New York;       | Haughton, New York. |
| Kennedy, Livingston;  |                     |

## JUDICIARY.

|                      |                          |
|----------------------|--------------------------|
| Mr. Prince, Queens;  | Mr. Vedder, Cattaraugus; |
| Strahan, Orange;     | Tobey, Essex;            |
| Niles, Westchester;  | Tilden, New York;        |
| Flammer, New York;   | D. B. Hill, Chemung.     |
| A. L. Hayes, Oneida; |                          |

## AFFAIRS OF CITIES.

|                        |                        |
|------------------------|------------------------|
| Mr. Hawkins, New York; | Mr. Eastman, Dutchess; |
| Judd, Richmond;        | Alberger, Erie;        |
| Morton, Kings;         | Tilden, New York;      |
| Haight, New York;      | Osgood, Rensselaer.    |
| Berri, Kings;          |                        |

## CANALS.

|                        |                        |
|------------------------|------------------------|
| Mr. Fort, Oswego;      | Mr. Moulton, New York; |
| Shepardson, Chenango;  | Rice, Herkimer;        |
| Simson, Erie;          | Mosher, Albany;        |
| Knettles, Tompkins;    | Paige, New York.       |
| Hollister, Washington; |                        |

## COMMERCE AND NAVIGATION.

Mr. Alberger, Erie;  
D. L. Babcock, Albany;  
Bennett, Kings;  
Green, Oswego;  
Geib, New York;

Mr. Judd, Richmond;  
Snyder, Rensselaer;  
G. D. Lord, Monroe;  
Campbell, New York.

## RAILROADS.

Mr. White, Kings;  
Smyth, Tioga;  
Whitbeck, New York;  
Lewis, Delaware;  
Burns, Onondaga;

Mr. Greenhalgh, Schenectady;  
Smith, Washington;  
A. Hill, Greene;  
Chambers, Erie.

## INSURANCE.

Mr. Lippitt, Madison;  
Enos, Jefferson;  
I. H. Babcock, Niagara;  
A. L. Van Dusen, Ontario;  
Tobey, Essex;

Mr. Twombly, New York;  
White, Kings;  
Carroll, Oneida;  
Aitken, Kings.

## CLAIMS.

Mr. Woolsey, Ulster;  
Lincoln, Ontario;  
Hyatt, Madison;  
Griffin, Delaware;  
Davidson, Wyoming;

Mr. Yeomans, Wayne;  
Swain, Niagara;  
Foley, New York;  
Chamberlain, Otsego.

## ROADS AND BRIDGES.

Mr. Badeau, Westchester;  
Dykeman, Putnam;  
Lott, Seneca;  
Holdridge, Cattaraugus;  
Wyman, Jefferson;

Mr. Lewis, Delaware;  
Bemus, Chautauqua;  
Oakley, Queens;  
A. Hill, Green.

## AFFAIRS OF VILLAGES.

Mr. Pierce, Franklin;  
W. J. Van Dusen, Montgomery;  
Preston, Chautauqua;  
Sage, Oswego;  
Hungerford, Oneida;

Mr. Goss, Monroe;  
Wells, Wayne;  
Buell, Fulton and Hamilton;  
Mosher, Albany.

## INTERNAL AFFAIRS.

Mr. Lynde, St. Lawrence;  
Enos, Jefferson;  
Knapp, Genesee;  
Herrick, Rensselaer;  
Tucker, Otsego;

Mr. Fowler, Steuben;  
Whitaker, Ulster;  
Couchman, Schoharie;  
Wiley, Erie.

## CHARITABLE AND RELIGIOUS SOCIETIES.

Mr. Goring, Dutchess;  
Burritt, Monroe;  
Lippitt, Madison;  
G. P. Lord, Yates;  
Hollister, Washington;

Mr. Moore, St. Lawrence;  
Loughran, Ulster;  
Roche, Kings;  
Buckley, Sullivan.



## PUBLIC PRINTING.

Mr. Smiley, Lewis ;  
 I. D. Brown, Cayuga ;  
 Bennett, Kings ;  
 Pierce, Franklin ;  
 D. L. Babcock, Albany ;

Mr. Squires, Cortland ;  
 Woolsey, Ulster ;  
 Cook, New York ;  
 Oakley, Queens.

## BANKS.

Mr. Squires, Cortland ;  
 Burritt, Monroe ;  
 Goring, Dutchess ;  
 Niles, Westchester ;  
 Kingsland, Clinton ;

Mr. Whitbeck, New York ;  
 Hart, Orleans ;  
 Foley, New York ;  
 G. D. Lord, Monroe.

## TRADES AND MANUFACTURES.

Mr. West, Saratoga ;  
 Wells, Wayne ;  
 Preston, Chautauqua ;  
 Abbott, Orange ;

Mr. Greenhalgh, Schenectady ;  
 J. Hayes, New York ;  
 Dunphy, New York.

## MILITIA.

Mr. Sniper, Onondaga ;  
 Geib, New York ;  
 Baltz, Erie ;  
 Mackay, New York ;  
 Hungerford, Oneida ;

Mr. Knettles, Tompkins ;  
 Snyder, Rensselaer ;  
 Fields, New York ;  
 Buckley, Sullivan.

## AGRICULTURE.

Mr. Yeomans, Wayne ;  
 Murdock, Steuben ;  
 Swain, Niagara ;  
 Gregory, Schuyler ;

Mr. Dykeman, Putnam ;  
 Buell, Fulton and Hamilton ;  
 Ray, Columbia.

## STATE PRISONS.

Mr. E. E. Brown, Cayuga ;  
 Kingsland, Clinton ;  
 Badeau, Westchester ;  
 Peck, Kings ;

Mr. Mackay, New York ;  
 Blair, New York ;  
 M. M. Tompkins, Columbia.

## PUBLIC EDUCATION.

Mr. G. P. Lord, Yates ;  
 Eastman, Dutchess ;  
 Smyth, Tioga ;  
 Flammer, New York ;  
 Davidson, Wyoming ;

Mr. Crandall, Allegany ;  
 Morton, Kings ;  
 Frear, New York ;  
 Roche, Kings.

## GRIEVANCES.

Mr. Rose, St. Lawrence ;  
 Herrick, Rensselaer ;  
 Beckwith, Oneida ;  
 D. Tomkins, Rockland ;

Mr. Murdock, Steuben ;  
 Couchman, Schoharie ;  
 Roche, Kings.

## PUBLIC HEALTH.

Mr. Loughran, Ulster;  
Crandall, Allegany;  
I. D. Brown, Cayuga;  
Houghton, Saratoga;  
Herrick, Rensselaer;

Mr. Peck, Kings;  
Haight, New York;  
Healy, New York;  
Frear, New York.

## MANUFACTURE OF SALT.

Mr. Wyman, Jefferson;  
Sniper, Onondaga;  
Simson, Erie;  
Gregory, Schuyler;

Mr. Lincoln, Ontario;  
Buckley, Sullivan;  
Cook, New York.

## STATE CHARITABLE INSTITUTIONS.

Mr. Beckwith, Oneida;  
Moulton, New York;  
Goss, Monroe;  
Moore, St. Lawrence;

Mr. Woodward, Warren;  
Chamberlain, Otsego;  
Wiley, Erie.

## PETITIONS OF ALIENS.

Mr. Knapp, Genesee;  
Baltz, Erie;  
Smiley, Lewis;  
Whitaker, Ulster;

Mr. Griffin, Delaware;  
Jacobs, Kings;  
Aitken, Kings.

## CIVIL DIVISIONS.

Mr. Shepardson, Chenango;  
E. E. Brown, Cayuga;  
Abbott, Orange;  
Green, Oswego;

Mr. A. L. Hayes, Oneida;  
Haughton, New York;  
Chambers, Erie.

## FEDERAL RELATIONS.

Mr. Husted, Westchester;  
Prince, Queens;  
Alvord, Onondaga;  
Niles, Westchester;  
Rose, St. Lawrence;

Mr. Hawkins, New York;  
Tilden, New York;  
Ray, Columbia;  
Fields, New York.

## TWO-THIRDS AND THREE-FIFTHS BILLS.

Mr. A. L. Hayes, Oneida;  
Vedder, Cattaraugus;  
Husted, Westchester;  
Kennedy, Livingston;

Mr. Ely, Broome;  
Carroll, Oneida;  
Campbell, New York.

## EXPENDITURES OF THE EXECUTIVE DEPARTMENT.

Mr. Sage, Oswego;  
Yeomans, Wayne;  
Fowler, Steuben;  
Springsted, Albany;

Mr. Goring, Dutchess;  
Healy, New York;  
M. M. Tompkins, Columbia.

## EXPENDITURES OF THE HOUSE.

Mr. Hyatt, Madison;  
I. H. Babcock, Niagara;  
Berri, Kings;  
Pell, New York;

Mr. Rice, Herkimer;  
Couchman, Schoharie;  
Osgood, Rensselaer.



## INDIAN AFFAIRS.

Mr. Ely, Broome;  
Holdridge, Cattaraugus;  
Sniper, Onondaga;  
Woodward, Warren;

Mr. W. J. Van Dusen, Montgomery;  
J. Hayes, New York;  
D. B. Hill, Chemung.

## PUBLIC LANDS.

Mr. Tucker, Otsego;  
Houghton, Saratoga;  
Hawkins, New York;  
Smith, Washington;

Mr. D. Tomkins, Rockland;  
Paige, New York;  
Dunphy, New York.

## ENGROSSED BILLS.

Mr. Smyth, Tioga;  
Lott, Seneca;  
Lynde, St. Lawrence;  
A. L. Van Dusen, Ontario;

Mr. Loughran, Ulster;  
Blair, New York;  
Moseley, Kings.

## JOINT LIBRARY.

Mr. Bemus, Chautauqua;  
I. D. Brown, Cayuga;  
Judd, Richmond;

Mr. Foley, New York;  
Carroll, Oneida.

Mr. Flammer presented a petition for the repeal of the charter of the Elevated Railway, in Greenwich street, New York city; which was read and referred to the committee on railroads.

Mr. Hungerford presented a petition of A. Buell and D. D. Pier, for the improvement of Pleasant street, in the city of Utica and town of New Hartford; which was read and referred to the committee on affairs of cities.

Mr. I. H. Babcock presented a petition of A. H. Peirce and forty-eight other citizens of Middleport, Niagara county, for the construction of a section of vertical wall on the bank of the Erie canal in that place; which was read and referred to the committee on canals.

Mr. Lippitt presented a petition of sixty-four citizens of the town of Madison, county of Madison, praying that an act be passed authorizing the building of an iron bridge over the Chenango canal at Solsville, in said town; which was read and referred to the committee on canals.

Mr. Smiley presented a petition in relation to the re-issuing bonds upon the town of Lowville, Lewis county; which was read and referred to the committee on railroads.

Mr. Loughran presented a resolution of the board of supervisors of Ulster county, relative to the salary of school commissioners; which was read and referred to the committee on public education.

Mr. Springsted introduced a bill entitled "An act to amend chapter 917 of the Laws of 1869 entitled 'An act authorizing the consolidation of certain railroads,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Loughran introduced a bill entitled "An act to legalize the acts of Robert H. Hill, justice of the peace of the town of Kingston, Ulster county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Lincoln introduced a bill entitled "An act to legalize the acts and

proceedings of Cyrillo S. Lincoln, a justice of the peace of the town of Naples, county of Ontario," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Houghton introduced a bill entitled "An act to incorporate the Saratoga Safe Deposit and Trust Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Mr. Pell introduced a bill entitled "An act to provide for the repayment of moneys illegally collected by the health commissioners of the city of New York and others under authority of law," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Niles introduced a bill entitled "An act to repeal section ten of an act entitled 'An act to amend an act entitled "An act to reorganize the local government of the city of New York, passed April 5, 1870;" passed April 18, 1871,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act in relation to the law of limited partnership," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Foley introduced a bill entitled "An act to amend an act entitled 'An act to reduce the several acts relating to the district courts in the city of New York into one act,' passed April 13, 1857, and the several acts passed amendatory thereof or supplemental thereto," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also a bill entitled "An act to incorporate the Manhattan Accommodation Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Bennett introduced a bill entitled "An act to regulate the ferries running from the foot of Tenth street and Twenty-third street in the city of New York, across the East river to Green Point in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Also, a bill entitled "An act to extend, widen, alter and improve Banker street, to close a portion of the same, and to improve Union avenue in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Judd introduced a bill entitled "An act to provide for the formation of free public libraries," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

Mr. Smith introduced a bill entitled "An act to provide for raising, by tax on the taxable property in the town of Kingsbury, Washington county, money to be applied towards the construction of a new courthouse in the village of Sandy Hill in said town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.



Mr. Flammer introduced a bill entitled "An act to confirm the conveyance of real and personal estate by the 'Beth El' congregation of the city of New York to the congregation Shaaray Jelila of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Also, a bill entitled "An act to repeal an act entitled 'An act to provide for the construction of an experimental line of railway in the counties of New York and Westchester,' passed April 22, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Prince introduced a bill entitled "An act to incorporate the White-stone Savings Bank," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Also, a bill entitled "An act to incorporate the College Point Savings Bank," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Mr. Abbott introduced a bill entitled "An act to authorize the consolidation of gas-works, and the manufacture and sale of gas, for the purpose of lighting the village of Port Jervis, Orange county, New York, and the street corners, and buildings therein, and lay pipe for that purpose," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trade and manufactures.

Mr. Mackay introduced a bill entitled "An act for the better prevention of the procurement of abortions and other like offenses, and and to amend the laws relative thereto," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

Also, a bill entitled "An act to incorporate the Mutual Trust institution of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Mr. Hungerford introduced a bill entitled "An act to provide for the improvement of Pleasant street, in the city of Utica and town of New Hartford, Oneida county, between Oneida street and Seymour avenue," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Smiley introduced a bill entitled "An act to authorize the railroad commissioners of the town of Lowville, in Lewis county, to issue bonds on said town in place of others now falling due, and otherwise amending chapter 426 of the Laws of 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Oakley introduced a bill entitled "An act to incorporate the Newtown Savings Bank, in the town of Newtown, Queens county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Also, a bill entitled "An act to amend an act entitled 'An act to authorize the draining of marsh lands, passed June 9, 1868, and the act amendatory thereof,' passed April 22, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act to incorporate Long Island City Savings Bank, in Long Island City," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Mr. G. P. Lord introduced a bill entitled "An act to confer power and authority upon the board of supervisors of the county of Yates, to change the site of the poor-house therein," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Couchman introduced a bill entitled "An act to amend and extend the charter of the Schoharie Central Bridge Company, and to increase the capital stock of said company for the purpose of building a new bridge," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. I. D. Brown introduced a bill entitled "An act to further amend title 6, of chap. 7, of part 1, of the Revised Statutes, relative to officers and the contingent expenses of the Senate and Assembly," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Mr. D. B. Hill introduced a bill entitled "An act to amend section 391 of the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Flammer offered for the consideration of the House a preamble and resolution, in the words following, to wit:

*Whereas*, Grave charges and reflections have appeared in the public prints in and about the city of New York against and upon the office of the district attorney of the city of New York; said charges being that the said district attorney's office shields criminals and fails to bring parties indicted for crime to trial, after the lapse of many months after indictment; after there having been sufficient time therefor, wherein to bring said persons charged with crime to trial and punishment.

*And whereas*, The election of a city judge, with concurrent power with the recorder, was intended to facilitate the trial of all indictments against parties charged with crime, that the innocent might be liberated and the guilty punished, therefore be it

*Resolved*, That a committee of three from this House and a committee from the Senate be appointed by the Speaker of the Assembly and by the Senate respectively, to investigate said alleged abuses; and, in addition thereto, that said committee, jointly, are particularly directed to investigate the said office as to the number of indictments now on file therein, for what offense, the number of recognizances taken in said office, the nature and sufficiency thereof, the amount of moneys paid on forfeited recognizances, and such other matters as the said joint committee shall deem best for the public good, and that the said committee have power to send for persons and papers, and report back, as soon as prepared so to do, before the final adjournment of this session.

*Ordered*, That said resolutions be laid on the table.

Mr. Yeomans offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the Clerk of the Assembly be directed to furnish each of the new members of the Assembly with a copy of the Red Book or Legislative Manual of 1871.



*Ordered*, That said resolution be referred to the committee on the expenditures of the House.

Mr. Alberger gave notice that, at some future day, he will move to suspend rule 37, in order that "An act to amend an act entitled 'An act to revise the charter of the city of Buffalo,' passed April 28, 1870," may be ordered to the committee of the whole, without previous reference.

Mr. Judd offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved* (if the Senate concur), That section 6 of article 3 of the Constitution of this State be amended so as to read as follows:

SECTION 6. The members of the Legislature shall receive for their services a sum not exceeding eight dollars a day from the commencement of the session; but such pay shall not exceed, in the aggregate, eight hundred dollars for per diem allowance, except in proceedings for impeachment. When convened in extra session by the Governor, they shall receive eight dollars per day. They shall, also, receive the sum of one dollar for every ten miles they shall travel, in going to and returning from their place of meeting, on the most usual route. The Speaker of the Assembly shall, in virtue of his office, receive an additional compensation equal to one-third of his per diem allowance as a member.

*Resolved* (if the Senate concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity to section one of article thirteen of the Constitution, it be published for three months previous to the time of such election.

*Ordered*, That said resolutions be referred to the committee on ways and means.

Mr. Speaker announced the following appointments:

*Pages*—James Holliday, Lewis Greene, Augustine McMahon, Charles R. Wooley, Clarence De Sacia, George Brainard, Alfred Wright, John Snow, Stewart Rice, Edward R. R. Jones.

On motion of Mr. Alvord, at 8 o'clock and 20 minutes, the House adjourned.

WEDNESDAY, JANUARY 10, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Selkirk.

The journal of yesterday was read and approved.

Mr. Preston presented a petition of P. O. Sherwin and others, citizens of the county of Chautauqua, to prevent the cutting of ice at certain points on Chautauqua lake; which was read and referred to the committee on internal affairs.

Mr. Badeau presented a petition of 161 residents of the village of Mount Vernon, asking for a reduction in the fare on the New York and New Haven railroad and that the daily trains be increased; which was read and referred to the committee on railroads.

Also, two petitions of 107 residents of the village of New Rochelle on the same subject; which were read and referred to the committee on railroads.

Leave of absence was granted to Mr. Squires, indefinitely, on account of illness.

Mr. Preston introduced a bill entitled "An act to prevent the cutting or taking of ice from Chautauqua lake at certain points therein," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. D. B. Hill introduced a bill entitled "An act to repeal chap. 907, of the Laws of 1869, entitled 'An act to amend an act entitled An act to authorize the formation of railroad companies, and to regulate the same, passed April 2, 1850, so as to permit municipal corporations to aid in the construction of railroads,' passed May 18, 1869, and the several acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. A. Hill introduced a bill entitled "An act releasing the interest of the State in certain lands and premises of which Maurice Roche, late of Cossackie in the county of Greene, died seized and authorizing his heirs-at-law to hold and convey the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on petitions of aliens.

Mr. Bennett introduced a bill entitled "An act to authorize the South Side Railroad Company of Long Island to build or purchase branches, extend its main line, and to purchase the stock of the New York and Flushing Railroad company, the Far Rockaway Branch Railroad Company, and Rockaway Railway Company of Queens county of New York, and of the Hunter's Point and South Side Railroad Company also of Queens county, New York, and to consolidate the said companies or any two or more of them into one corporation and also to use steam dummies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Haughton introduced a bill entitled "An act to provide for the construction of an underground railway in the city of New York, being supplemental to and amendatory of chapter 842 of the Laws of 1868, entitled 'An act to provide for the transmission of letters, packages and merchandise in the cities of New York and Brooklyn and across the North and East rivers, by means of pneumatic tubes to be constructed beneath the surface of the streets, squares, avenues, and public places in said cities and under the waters of said rivers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Twombly introduced a bill entitled "An act relating to the Pacific Mail Steamship Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Mackay introduced a bill entitled "An act to provide for a convention to propose and frame amendments to the charter of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities; and, on motion of Mr. Mackay, said bill was ordered printed.

Also, an act for the relief of the heirs of Daniel Early, deceased, late of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the petitions of aliens.



Mr. Pell introduced a bill entitled "An act to amend chapter 539 of Laws of 1870 entitled 'An act in relation to jurors in the city and county of New York,' passed May 2, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Whitbeck introduced a bill entitled "An act to amend the act entitled 'An act for the incorporation of companies formed to navigate the lakes and rivers,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Strahan introduced a bill entitled "An act appropriating the moneys realized from the sale of an armory lot in the city of Newburgh, now in the hands of the State Treasurer, to aid in uniforming the Nineteenth regiment of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Also, a bill entitled "An act to incorporate the Walden Savings Bank ;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Mr. Tucker introduced a bill entitled "An act to repeal chapter 889 of the Laws of 1871 entitled 'An act to amend chapter 160 of the Laws of 1866, entitled "An act to facilitate the construction of the Schoharie Valley railroad; also chapter 616 of the Laws of 1867 entitled An act to reduce the number of directors of the Schoharie Valley Railroad Company," to re-enact the portions of the chapter so amended, and other acts which were repealed by said chapter 889 of the Laws of 1871, and for the election of directors of said railroad company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Judd introduced a bill entitled "An act for the relief of the devisees and heirs-at-law of Louis Planner and Josephine Planner, deceased," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on petitions of aliens.

Mr. Rose introduced a bill entitled "An act to amend the charter of the village of Potsdam," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Couchman introduced a bill entitled "An act confirming a conveyance of real estate to Dennis Murphy, and authorizing him to hold real estate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the petitions of aliens.

Mr. Loughran introduced a bill entitled "An act to authorize the election of railroad commissioners, for the several towns already bonded in the county of Ulster," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Woodward introduced a bill entitled "An act to amend an act passed April 19, 1871, so as to authorize the formation of railroad corporations to organize for the purpose of constructing and operating railroads of the gauge of three feet and six inches, or less ; but not less than thirty inches within the rails," which was read the first time, and by

unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Hollister introduced a bill entitled "An act to authorize the Canal Commissioners to construct a road bridge over the Champlain canal in the village of Fort Edward, in the county of Washington," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Badeau introduced a bill entitled "An act to amend chapter 195 of the Laws of 1846, entitled 'An act to authorize the New York and New Haven Railroad Company to extend their railroad from the Connecticut line to the New York and Harlem River railroad,' passed May 11, 1846," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. E. E. Brown introduced a bill entitled "An act to incorporate the Cayuga County Savings Bank," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Mr. Fields offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the standing committee on railroads is hereby directed to inquire and report to this House, within twenty days after the passage of this resolution, what legislation, if any, is necessary to compel the New York Central and Hudson River Railroad Company to provide speedy and regular means of transit for passengers on their road between the village of Yonkers and the city of New York. And, also, what legislation, if any, is required to compel said companies to furnish proper depot accommodations for passengers at Manhattanville, in the city of New York.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Flammer called for the consideration of the resolution heretofore offered by him, in the words following, to wit:

*Whereas*, Grave charges and reflections have appeared in the public prints, in and about the city of New York, against and upon the office of the district attorney of the city of New York, said charges being that the said district attorney's office shields criminals and fails to bring parties indicted for crime to trial after the lapse of many months after indictment, after there having been sufficient time therefor wherein to bring said persons charged with crime to trial and punishment.

*And Whereas*, The election of a city judge with concurrent power with the recorder was intended to facilitate the trial of all indictments against parties charged with crime, that the innocent might be liberated and the guilty punished; therefore be it

*Resolved* (if the Senate concur), That a committee of three from the House and a committee from the Senate be appointed by the Speaker of the Assembly and by the Senate respectively, to investigate said alleged abuses, and in addition thereto that said committee jointly are particularly directed to investigate the said office as to the number of indictments now on file therein, for what offense, the number of recognizances taken in said office, the nature and sufficiency thereof, the amount of moneys paid on forfeited recognizances, and such other matters as the said joint committee shall deem best for the public good, and that the said committee have power to send for persons and papers and report



back as soon as prepared so to do before the final adjournment of this session.

Mr. Alvord moved to amend said resolution by striking out all after the word "that" in the first line of said resolution down to and including the word "to" in line three, and inserting in lieu thereof the words "the standing committee on the judiciary of each House," in lieu of the words "a select committee."

Debate was had thereon, when

Mr. Hawkins moved to lay on the table.

Mr. Speaker put the question whether the House would agree to said motion to lay on the table, and it was determined in the negative.

{ AYES 12 }  
{ NOES 99 }

Those who voted in the affirmative, were

|               |          |       |        |            |
|---------------|----------|-------|--------|------------|
| Abbott        | Davidson | Hyatt | Osgood | Snyder     |
| D. L. Babcock | Enos     | Niles | Smyth  | D. Tomkins |
| I. H. Babcock | Hawkins  |       |        |            |

Those who voted in the negative, were

|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| Aitken      | Ely         | Holdridge  | Moore      | Strahan         |
| Alberger    | Fields      | Hollister  | Morton     | Swain           |
| Alvord      | Flammer     | Houghton   | Moseley    | Tilden          |
| Baltz       | Foley       | Hungerford | Moulton    | Tobey           |
| Beckwith    | Fort        | Jacobs     | Murdock    | M. M. Tompkins  |
| Bennett     | Fowler      | Judd       | Oakley     | Tucker          |
| Berri       | Frear       | Kennedy    | Paige      | Twombly         |
| Blair       | Geib        | Kingsland  | Pell       | A. L. Van Dusen |
| E. E. Brown | Goss        | Knapp      | Preston    | W. J. Van Dusen |
| I. D. Brown | Greenhalgh  | Knettles   | Prince     | Vedder          |
| Buckley     | Gregory     | Lewis      | Ray        | Wells           |
| Buell       | Griffin     | Lincoln    | Rice       | West            |
| Burritt     | Haight      | Lippitt    | Roche      | Whitbeck        |
| Campbell    | Hart        | G. D. Lord | Rose       | White           |
| Chambers    | Haughton    | G. P. Lord | Sage       | Whitaker        |
| Cook        | A. L. Hayes | Lott       | Shepardson | Wiley           |
| Couchman    | Healey      | Loughran   | Simson     | Woodward        |
| Crandall    | Herrick     | Lynde      | Smiley     | Woolsey         |
| Dykeman     | A. Hill     | Mackay     | Smith      | Yeomans         |
| Eastman     | D. B. Hill  | Marcy      | Sniper     |                 |

Mr. Speaker then put the question whether the House would agree to the amendment of Mr. Alvord, and it was determined in the affirmative.

Mr. Jacobs moved to amend by adding the words "such investigation to be conducted without expense to the State, except for the service of legal process."

Debate again ensuing,

Mr. Alvord moved to lay on the table.

Mr. Speaker put the question whether the House would agree to said motion to lay on the table, and it was determined in the negative.

{ AYES 14 }  
{ NOES 88 }

Those who voted in the affirmative, were

|               |          |           |        |            |
|---------------|----------|-----------|--------|------------|
| Alvord        | Burritt  | Enos      | Osgood | Snyder     |
| D. L. Babcock | Crandall | Hawkins   | Simson | D. Tomkins |
| I. H. Babcock | Dunphy   | Holdridge | Sniper |            |

Those who voted in the negative, were

|          |         |        |         |         |
|----------|---------|--------|---------|---------|
| Aitken   | Flammer | Jacobs | Moseley | Smyth   |
| Alberger | Foley   | Judd   | Moulton | Strahan |

|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| Badeau      | Fort        | Kennedy    | Murdock    | Swain           |
| Baltz       | Frear       | Kingsland  | Niles      | Tilden          |
| Beckwith    | Geib        | Knapp      | Oakley     | Tobey           |
| Bennett     | Gregory     | Knettles   | Paige      | Tucker          |
| Berri       | Griffin     | Lewis      | Pell       | Twombly         |
| Blair       | Haight      | Lincoln    | Preston    | W. J. Van Dusen |
| E. E. Brown | Hart        | Lippitt    | Prince     | Wells           |
| Buckley     | Haughton    | G. D. Lord | Ray        | West            |
| Buell       | A. L. Hayes | G. P. Lord | Rice       | Whitbeck        |
| Campbell    | Healy       | Lott       | Roche      | White           |
| Chambers    | Herrick     | Loughran   | Rose       | Whitaker        |
| Couchman    | D. B. Hill  | Lynde      | Sage       | Wiley           |
| Dykeman     | Hollister   | Mackay     | Shepardson | Woolsey         |
| Eastman     | Houghton    | Marcy      | Smiley     | Wyman           |
| Ely         | Hungerford  | Moore      | Smith      | Yeomans         |
| Fields      | Hyatt       | Morton     |            |                 |

Mr. Speaker then put the question whether the House would agree to said amendment of Mr. Jacobs, and it was determined in the affirmative.

{ AYES 90 }  
{ NOES 12 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Aitken        | Crandall    | Herrick    | Mackay     | Simson          |
| Alvord        | Davidson    | A. Hill    | Moore      | Smiley          |
| I. H. Babcock | Dykeman     | Holdridge  | Morton     | Smith           |
| Badeau        | Eastman     | Hollister  | Moseley    | Smyth           |
| Bennett       | Ely         | Hungerford | Moulton    | Sniper          |
| Berri         | Enos        | Hyatt      | Murdock    | Tobey           |
| Blair         | Fields      | Jacobs     | Niles      | M. M. Tompkins  |
| E. E. Brown   | Flammer     | Kennedy    | Oakley     | Tucker          |
| I. D. Brown   | Foley       | Kingsland  | Osgood     | Twombly         |
| Buell         | Fort        | Knapp      | Paige      | A. L. Van Dusen |
| Burns         | Fowler      | Knettles   | Preston    | W. J. Van Dusen |
| Burritt       | Geib        | Lewis      | Prince     | Vedder          |
| Campbell      | Goss        | Lincoln    | Ray        | Whitbeck        |
| Carroll       | Greenhalgh  | Lippitt    | Rice       | White           |
| Chamberlain   | Gregory     | G. D. Lord | Roche      | Whitaker        |
| Chambers      | Hart        | G. P. Lord | Rose       | Wiley           |
| Cook          | Haughton    | Lott       | Sage       | Wyman           |
| Couchman      | A. L. Hayes | Loughran   | Shepardson | Yeomans         |

Those who voted for the negative, were

|               |          |       |         |            |
|---------------|----------|-------|---------|------------|
| Alberger      | Haight   | Judd  | Strahan | D. Tomkins |
| D. L. Babcock | Hawkins  | Marcy | Tilden  | West       |
| Baltz         | Houghton |       |         |            |

Mr. Speaker then put the question whether the House would agree to said resolution, as amended, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled as follows:

"An act to provide for the payment of certain bonds of the city and county of New York," which was read the first time, and by unanimous consent was also read the second time.

By unanimous consent, and on motion of Mr. Alvord, said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a



majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 99 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Crandall   | A. Hill    | Marey      | Sniper          |
| Aitken        | Davidson   | D. B. Hill | Moore      | Snyder          |
| Alberger      | Dykeman    | Holdridge  | Morton     | Speaker         |
| Alvord        | Eastman    | Hollister  | Moulton    | Strahan         |
| D. L. Babcock | Ely        | Houghton   | Murdock    | Swain           |
| I. H. Babcock | Enos       | Hungerford | Niles      | Tilden          |
| Baltz         | Fields     | Hyatt      | Oakley     | Tobey           |
| Beckwith      | Flammer    | Jacobs     | Osgood     | D. Tomkins      |
| Bennett       | Foley      | Judd       | Peck       | M. M. Tompkins  |
| Berri         | Fort       | Kennedy    | Pell       | Tucker          |
| Blair         | Fowler     | Kingsland  | Preston    | W. J. Van Dusen |
| E. E. Brown   | Frear      | Knapp      | Prince     | Vedder          |
| I. D. Brown   | Geib       | Knuttles   | Ray        | Wells           |
| Buckley       | Goss       | Lewis      | Rice       | West            |
| Buell         | Greenhalgh | Lincoln    | Roche      | Whitbeck        |
| Burritt       | Gregory    | Lippitt    | Rose       | White           |
| Campbell      | Griffin    | G. D. Lord | Sage       | Whitaker        |
| Carroll       | Haight     | G. P. Lord | Shepardson | Wiley           |
| Chamberlain   | Hart       | Lott       | Simson     | Woodward        |
| Chambers      | Haughton   | Loughran   | Smiley     | Wyman           |
| Cook          | Hawkins    | Lynde      | Smith      | Yeomans         |
| Couchman      | Healy      | Mackay     | Smyth      |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled as follows:

"An act to authorize the Poughkeepsie and Eastern Railroad Company to cancel a portion of its first mortgage bonds, and to substitute therefor bonds of a larger denomination," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

On motion of Mr. Loughran, at 12 o'clock and 40 minutes, the House adjourned.

THURSDAY, JANUARY 11, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Clark.

The journal of yesterday was read and approved.

This being the day assigned by the rules for the consideration of general orders, and there being none, the House proceeded to its regular order of business.

Leave of absence was granted to Mr. Husted until Monday evening.

Mr. Smith presented a petition of Harvey Smith, and others, for a law authorizing the Canal Commissioners to raise a road bed in the town of Kingsbury, Washington county; which was read and referred to the committee on canals.

Mr. Jacobs presented resolutions of the reform committee of Brooklyn, relative to the assessment and taxation of real estate; which were read and referred to the committee on ways and means.

Messrs. Ely, Murdock, Davidson, Tompkins and Crandall presented remonstrances of citizens of different portions of the State against placing the Erie railway under control of a British monopoly; which were read and referred to the committee on railroads.

Mr. Speaker presented a petition of citizens of Charlotteville, Schoharie county, for an increase of appropriations for educational purposes; which was read and referred to the committee on ways and means.

Mr. Sage presented a petition of citizens of Mexico, New York, for additional State aid for the academies of the State; which was read and referred to the committee on ways and means.

Mr. Kennedy presented a petition of the trustees of Nunda Academy, praying for an increase of the literature fund, and more liberal appropriations for the benefit of academies and public schools; which was read and referred to the committee on ways and means.

Mr. Wells presented a memorial of the board of supervisors of Wayne county, asking for reform in relation to the expense of public printing; which was read and referred to the committee on public printing.

Mr. G. P. Lord presented a remonstrance of 400 tax-payers of the county of Yates, against the removal of the poor-house site in said county; which was read and referred to the committee on internal affairs.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the law of limited partnerships," reported in favor of the passage of the same with amendments; which report was agreed to and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to confirm orders of the court of general sessions of the peace in and for the city and county of New York, continuing the last November term thereof," reported in favor of the passage of the same, with amendments, and have amended the title so as to read as follows: "An act to confirm orders of the court of general sessions of the peace in and for the city and county of New York, continuing the last November term thereof, and to define the construction of chapter 10 of the Laws of 1862, entitled 'An act to empower the court of the general sessions of the peace in and for the city and county of New York to extend its terms and to authorize its adjournments;'" which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to legalize the official acts of Cyrillo S. Lincoln, a justice of the peace of the town of Naples in the county of Ontario," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An to legalize the acts of Robert H. Hill, a justice of the peace of Ulster county," reported in favor of the passage of the same with amendments; which report was agreed to.

By unanimous consent, and on motion of Mr. Loughran, said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the



final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 109 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |             |            |                 |
|---------------|------------|-------------|------------|-----------------|
| Abbott        | Cook       | A. L. Hayes | Moore      | Snyder          |
| Aitken        | Couchman   | Healy       | Morton     | Speaker         |
| Alberger      | Davidson   | Herrick     | Moseley    | Springsted      |
| Alvord        | Dykeman    | A. Hill     | Mosher     | Strahan         |
| D. L. Babcock | Eastman    | D. B. Hill  | Moulton    | Tilden          |
| I. H. Babcock | Ely        | Holdridge   | Murdock    | Tobey           |
| Badeau        | Enos       | Hollister   | Oakley     | D. Tomkins      |
| Baltz         | Fields     | Hungerford  | Osgood     | M. M. Tompkins  |
| Beckwith      | Flammer    | Hyatt       | Paige      | Tucker          |
| Bennett       | Foley      | Jacobs      | Peck       | Twombly         |
| Berri         | Fort       | Judd        | Pell       | A. L. Van Dusen |
| Blair         | Fowler     | Kingsland   | Preston    | Wells           |
| E. E. Brown   | Frear      | Knapp       | Prince     | West            |
| I. D. Brown   | Geib       | Knettles    | Ray        | Whitbeck        |
| Buckley       | Goss       | Lewis       | Rice       | White           |
| Buell         | Greenhalgh | Lincoln     | Roche      | Whitaker        |
| Burns         | Gregory    | Lippitt     | Rose       | Wiley           |
| Burritt       | Griffin    | G. P. Lord  | Shepardson | Woodward        |
| Campbell      | Haight     | Lott        | Smiley     | Woolsey         |
| Carroll       | Hart       | Loughran    | Smith      | Wyman           |
| Chamberlain   | Haughton   | Lynde       | Smyth      | Yeomans         |
| Chambers      | Hawkins    | Mackay      | Sniper     |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. D. B. Hill introduced a bill entitled "An act in relation to the Chemung Railroad Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Shepardson introduced a bill entitled "An act to amend section 227 of the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to incorporate Smyrna Lodge No. 116 Independent Order of Odd Fellows of the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Lewis introduced a bill entitled "An act to repeal section 43 of chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild-deer, birds, and fish,' passed April 26, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Tobey introduced a bill entitled "An act to regulate proceedings in certain actions against corporations," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Knapp introduced a bill entitled "An act to increase the duties of clerks of boards of supervisors," which was read the first time, and by

unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Bennett introduced a bill entitled "An act to make free to public use a certain bridge and road in the city of Brooklyn, in Kings county, and in Newtown, in Queens county, and to provide compensation therefor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Kennedy introduced a bill entitled "An act to legalize the vote of the town of Mt. Morris, in the county of Livingston, at the town meeting of said town, held on the 7th day of March, 1871, by which certain moneys were voted to be paid to the estate of McNeil Seymour, deceased, and to Noble Denison; and authorizing the board of town auditors of said town to audit and allow the board of supervisors of said county to levy and collect the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Cook introduced a bill entitled "An act for the prevention of frauds in the manufacture and sale of gold and silver-ware," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trades and manufactures.

Mr. Twombly introduced a bill entitled "An act to amend title three of chapter four, part two, of the Revised Statutes, relative to the interest of money," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to incorporate the Underground Railway Company, and to authorize said company to construct sub-ways for a railway in the city of New York, and for other purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Pell introduced a bill entitled "An act to repeal chapter five hundred and seventy-two of the laws of 1871, relating to elections in the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Mackay introduced a bill entitled "An act creating a Board of Commissioners of Emigration, and conferring certain powers and duties," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Hawkins introduced a bill entitled "An act to amend the Revised Statutes in relation to reports of deaths to the public administrator," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

Mr. Whitbeck introduced a bill entitled "An act to enable aliens to take and hold real estate, and to release the interest of the people of the State of New York in escheated lands," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the petitions of aliens.

Also, a bill entitled "An act to repeal chapter 944 of the laws of 1871, relating to the manufacture and sale of gas in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trades and manufactures.

Mr. A. L. Van Dusen introduced a bill entitled "An act to amend the title of an act entitled 'An act to extend the time for county superintendents of the poor, elected in November, 1848, to execute and file their official bond and take the oath of office,' passed March 21, 1849," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Lincoln introduced a bill entitled "An act further to provide for the payment of certain certificates issued to the militia of the State for services in the war of 1812," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Mr. Prince introduced a bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to incorporate the Association for the Benefit of Colored Orphans in the city of New York,' passed April 16, 1838, passed April 1, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Oakley introduced a bill entitled "An act to confirm the exchange of land for the use of the public cemetery of the town of Hempstead, county of Queens, known as Greenfield Cemetery, and elect officers for the management of the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Marcy introduced a bill entitled "An act to amend the statutes in reference to the collection of taxes in the county of Suffolk," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Knottles introduced a bill entitled "An act to incorporate the Etna Driving Park and Agricultural Association, for the improvement of stock, the advancement of agriculture and the mechanic arts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

Mr. Niles introduced a bill entitled "An act to regulate the running of trains and the transportation of passengers over the New York and Harlem railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act to release the interest of the people of the State of New York in certain real estate to Alicia C. O'Brien," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the petition of aliens.

Also, a bill entitled "An act to repeal chapter 569, of the Laws of 1869, relating to sheriff's fees," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Lippitt introduced a bill entitled "An act to authorize the construction of a bridge over the Chenango canal at the village of Solsville in the county of Madison," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. I. D. Brown offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That five hundred copies of the Auditor's financial report be printed for the use of the Canal Department in addition to the usual number for the Legislature.



*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Kingsland offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That seats be provided, under the directions of the Speaker, for the members now occupying those most remote from the chair, and that a railing be erected along or near the line of iron columns under the gallery, so as to protect the seats of members from being improperly intruded upon.

*Ordered*, That said resolution be referred to the committee on the expenditures of the House.

Mr. Mackay offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the Speaker shall be authorized to give and enforce such directions as he shall think proper as to the ventilation and cleaning of the Assembly Chamber and its ante chambers, but he shall not incur any expense chargeable to the State in relation thereto.

*Ordered*, That said resolution be laid on the table.

Mr. Moulton offered for the consideration of the House a preamble and resolution, in the words following, to wit :

*Whereas*, His Excellency the Governor, in his recent message to the Legislature, has made the following recommendations: "The people cannot be too fully awakened to the dangers inseparable from the growth of moneyed power in this country, whether wielded by individuals or corporations. It makes itself felt everywhere in our politics, and aims to control, and too often does control, legislation in Federal and State capitals. We cannot directly strike at it in other States, or at Washington, but we can begin at the capital of our own State, and set an example to others. There is a popular belief that much important legislation, in past years here, has been influenced by the direct use of money. This belief is so general and wide-spread, that it is due to the people that there should be a prompt and thorough legislative inquiry to ascertain whether it is well founded. If it be so, guilty men should be brought to justice under existing laws, if that is possible. If not, then proper laws should be passed to meet cases which may hereafter arise. The people will be slow to obey laws which, they believe, are enacted by a corrupt Legislature. Their demand to-day is not for municipal reform only, but for reform in every department of government, State and Federal, in which abuses may be shown to exist. Authority, whether executive or legislative, to be cheerfully obeyed, must be respected and honored."

*And whereas*, Various charges have been made in the daily and insurance press and otherwise, that the Superintendent of the Insurance Department has been during his official term, and still is receiving fees and perquisites for his own personal use and emolument, which should, by law, be paid into the State treasury, particularly the one-fifth of one per cent chargeable to insurance companies in the transfer or withdrawal of securities under the supply bill of 1870 (chapter —), and it has also been charged that inordinate and illegal fees have been collected by the Superintendent for making special and other examinations of insurance companies in this and other States; and that money has been raised in large amounts in order to pass alterations of the insurance laws conferring additional powers upon the Superintendent in the appoint-

ment and selection of receivers and otherwise, and that other irregularities have occurred and still exist in the administration of the said insurance department; therefore be it

*Resolved*, That the standing committee on insurance be and is hereby authorized, empowered and required to inquire into, investigate and report upon the truth or falsity of the said charges, and any others relating to the administration of the insurance department, in any respect, and that the said committee be and is hereby authorized to send for persons and papers.

Mr. Jacobs moved to amend said resolution by adding thereto the words, "such investigation shall be conducted without expense to the State except for service of legal process."

Mr. Speaker put the question whether the House would agree to said motion to amend, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said resolution as amended, and it was determined in the affirmative.

Mr. Burns presented the annual report of the Trustees of the Asylum for Idiots; which was laid on the table and ordered printed.

(See *Doc. No. 15.*)

Mr. Burns offered, in connection therewith, the following, to wit:

*Resolved*, That the usual five hundred copies of the twenty-first annual report of the Trustees of the New York Asylum for Idiots be printed for the use of the institution.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Fort offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the Canal Appraisers report to this House within ten days after the passage of this resolution, a full and complete list, in detail, of each and all claims for damages that have been presented to them or acted upon by them since January 1st, 1870, stating the time the damage occurred, the character of the damages sustained, the amount of damage claimed, the name of the party who originally sustained the damage, and the name of the party now professing to own the claim; also what action the board of appraisers have had thereon, stating also the amount of damage awarded in each case, if any; also the name of any and all counsel employed by them to act for the State in each case, and the amount of fees paid to each.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Prince offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the Clerk of the Assembly be directed to procure a suitable map of the State of New York, and also a map of the city of Albany, to be hung in the rear of the Assembly chamber.

*Ordered*, That said resolution be referred to the committee on expenditures of the House.

Mr. Loughran offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That when this House adjourn on Friday, the 12th instant, it be to meet on Monday evening, the 15th instant, at 7½ o'clock.

*Ordered*, That said resolution be laid on the table.

A message was received from His Excellency the Governor transmit-

ting the annual report of the Adjutant-General; which was laid on the table and ordered printed.

(See Doc. No. 14.)

Also, a message transmitting a letter received from Col. J. C. Woodruff, of the United States Engineer Corps, asking the passage of an act giving consent of the State to the purchase by the United States of a certain tract of land in Clinton county for light-house purposes, also the draft of the act proposed by him; which was referred to the committee on federal relations.

Leave of absence was granted to Mr. Pierce, for an indefinite period, on account of illness.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled as follows:

"An act to amend an act entitled 'An act to revise the charter of the city of Buffalo,' passed April 28, 1870," which was read the first time, and by unanimous consent was also read the second time.

When, pursuant to previous notice, Mr. Alberger moved to suspend rule 37, and that said bill be referred to the committee of the whole.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

{ AYES 87 }  
{ NOES 24 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Enos        | Houghton   | Moore      | Snyder          |
| Alberger      | Flammer     | Hungerford | Morton     | Speaker         |
| Alvord        | Foley       | Hyatt      | Moulton    | Strahan         |
| D. L. Babcock | Fort        | Judd       | Murdock    | Swain           |
| I. H. Babcock | Fowler      | Kennedy    | Niles      | Tobey           |
| Badeau        | Geib        | Kingsland  | Osgood     | D. Tomkins      |
| Baltz         | Goring      | Knapp      | Paige      | Tucker          |
| Beckwith      | Goss        | Knettles   | Peck       | A. L. Van Dusen |
| Bennett       | Greenhalgh  | Lewis      | Pell       | Vedder          |
| Berri         | Griffin     | Lincoln    | Preston    | Wells           |
| E. E. Brown   | Haight      | Lippitt    | Prince     | West            |
| Burns         | Hart        | G. P. Lord | Rice       | Whitbeck        |
| Burritt       | Haughton    | Lott       | Rose       | White           |
| Crandall      | Hawkins     | Loughran   | Shepardson | Woodward        |
| Davidson      | A. L. Hayes | Lynde      | Smiley     | Woolsey         |
| Dykeman       | Herrick     | Mackay     | Smyth      | Wyman           |
| Eastman       | Holdridge   | Marcy      | Sniper     | Yeomans         |
| Ely           | Hollister   |            |            |                 |

Those who voted in the negative, were

|          |             |            |            |                |
|----------|-------------|------------|------------|----------------|
| Blair    | Chamberlain | Frear      | Jacobs     | Ray            |
| Buckley  | Chambers    | Gregory    | G. D. Lord | Roche          |
| Buell    | Cook        | Healy      | Moseley    | M. M. Tompkins |
| Campbell | Couchman    | A. Hill    | Mosher     | Wiley          |
| Carroll  | Dunphy      | D. B. Hill | Oakley     |                |

Mr. Alberger moved that the House do now go into committee of the whole on said bill.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The House then resolved itself into a committee of the whole on the bill entitled as follows:

Senate bill, "An act to amend an act entitled 'An act to revise the charter of the city of Buffalo,' passed April 28, 1870."



And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Alvord, from said committee, reported progress on said mentioned bill, and asked leave to sit again.

The question being upon granting leave,

Mr. Alberger moved to discharge the committee of the whole from the further consideration of said bill, and that the same be ordered to a third reading.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Alberger moved that said bill be now read a third time.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Said bill was being read the third time, when

Mr. Jacobs moved to refer the same to the committee on the affairs of cities.

Debate was had thereon, when

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 17 }

Those who voted in the affirmative, were

|               |            |             |            |            |
|---------------|------------|-------------|------------|------------|
| Abbott        | Eastman    | A. L. Hayes | Lynde      | Simson     |
| Alberger      | Ely        | Herrick     | Mackay     | Smiley     |
| Alvord        | Enos       | D. B. Hill  | Marcy      | Smyth      |
| D. L. Babcock | Flammer    | Holdridge   | Moore      | Snyder     |
| I. H. Babcock | Foley      | Hollister   | Morton     | Speaker    |
| Badeau        | Fort       | Houghton    | Moulton    | Springsted |
| Baltz         | Fowler     | Hungerford  | Murdock    | Swain      |
| Beckwith      | Geib       | Hyatt       | Niles      | Tucker     |
| Bennett       | Goring     | Judd        | Osgood     | Vedder     |
| Berri         | Goss       | Kennedy     | Paige      | Wells      |
| E. E. Brown   | Greenhalgh | Kingsland   | Peck       | West       |
| I. D. Brown   | Gregory    | Knapp       | Pell       | Whitaker   |
| Burns         | Griffin    | Knettlles   | Preston    | Woodward   |
| Burritt       | Haight     | Lewis       | Rice       | Woolsey    |
| Crandall      | Hart       | Lincoln     | Rose       | Wyman      |
| Davidson      | Haughton   | Lippltt     | Sage       | Yeomans    |
| Dykeman       | Hawkins    | Lott        | Shepardson |            |

Those who voted in the negative, were

|         |          |          |            |        |
|---------|----------|----------|------------|--------|
| Aitken  | Campbell | Couchman | A. Hill    | Mosher |
| Blair   | Carroll  | Dunphy   | G. D. Lord | Ray    |
| Buckley | Chambers | Healy    | Moseley    | Roche  |
| Buell   | Cook     |          |            |        |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

On motion of Mr. D. B. Hill, at 12 o'clock and 30 minutes, the House adjourned.

## FRIDAY, JANUARY 12, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Selkirk.

The journal of yesterday was read and approved.

Messrs. Perry and Cock, a committee on the part of the Senate, appeared and announced that the Senate had elected the Hon. William B. Woodin, President *pro tem.* thereof.

James Hogan, second assistant door-keeper, appeared and was sworn in by the Speaker.

Leave of absence was granted to Mr. Fort, for an indefinite period.

Mr. Goss presented a petition of the board of education of district No. 9, town of Perrinton, asking for power to issue bonds; which was read and referred to the committee on public education.

Mr. Hart presented a petition for the repeal of section 2 of an act entitled "An act to further amend the charter of the village of Albion, in the county of Orleans, passed April 27, 1871;" which was read and referred to the committee on the affairs of villages.

Mr. Dykeman presented a petition of citizens of Southeast, in the county of Putnam, for the repeal of so much of the fish law as relates to the taking of fish in the lakes and streams in said county; which was read and referred to the committee on internal affairs.

Mr. Whitaker presented a petition of the board of supervisors of Ulster county, asking that the salary of school commissioners be reduced; which was read and referred to the committee on public education.

Mr. Osgood presented a petition of Henry J. Wilcox, for release of interest of State in certain lands of his deceased wife to himself; which was read and referred to the committee on the petitions of aliens.

Mr. Speaker presented a petition of the officers and privates of the "Albany Military Association," to so amend the laws as not to limit by color the men who shall serve in the militia, and to authorize the organization of colored companies, battallions and regiments as part of the National Guard of the State of New York; which was read and referred to the committee on the militia.

Mr. Dykeman presented a petition of the residents of Putnam county, for the repeal of an act entitled "An act to provide a supply of pure and wholesome water for the city of New York," passed February 27, 1871; which was read and referred to the committee on the affairs of cities.

Mr. Chambers presented a petition of the citizens of the towns of West Seneca and Hamburg in Erie county, for repeal of the charter of the Hamburg Turnpike Company; which was read and referred to the committee on roads and bridges.

Mr. Yeomans presented a petition of the trustees of the Marion Collegiate Institute for increase of the literature fund; which was read and referred to the committee on ways and means.

Mr. Sage presented a petition of sixty citizens of Pulaski, Oswego county, for further aid to the literature fund; which was read and referred to the committee on ways and means.

Messrs. Simson, Davidson, Kennedy, Fowler, Murdock and Smyth presented remonstrances of citizens of various portions of the State, against placing the Erie railway under control of a British monopoly; which was read and referred to the committee on railroads.

Mr. Couchman presented a remonstrance against the repeal of an amendment to an act to facilitate the construction of the Schoharie railroad, passed May 3, 1871; which was read and referred to the committee on railroads.

Mr. Alvord, from the committee on ways and means, offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the Adjutant-General transmit to this House, at an early date, all matters in his office relating to the payment of the adjusted claims of the soldiers of the war of 1812, serving therein from the militia of this State.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. White, from the committee on railroads, to which was referred the Senate bill entitled "An act to authorize the Poughkeepsie and Eastern Railroad Company to cancel a portion of its first mortgage bonds, and to substitute therefor bonds of a larger denomination," reported in favor of the passage of the same, without amendments, which report was agreed to and said bill committed to the committee of the whole.

Mr. Hyatt, from the committee on expenditures of the House, to which was referred the resolution of Mr. Kingsland, relative to seats of members, and an iron railing so as to protect such seats, reported in favor of the following, to wit:

*Resolved*, That seats be provided, under the direction of the Speaker, for the members now occupying those seats remote from the chair.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the filing of the certificate of incorporation of 'The Keating Lumber Company,'" reported in favor of the passage of the same, with amendments, which report was agreed to, and said bill committed to the committee of the whole.

Mr. D. L. Babcock introduced a bill entitled "An act to amend section 70, of article 8, title 8, chapter 20, part 1, of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also a bill entitled "An act to amend an act entitled 'An act to re-organize the fire department of the city of Albany,' passed March 29, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Berri introduced a bill entitled "An act to repeal an act entitled 'An act to extend Bedford avenue and Herkimer street, and to widen Perry avenue, and to change the name thereof, and to close parts of adjoining streets and roads in the city of Brooklyn,' passed May 11, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Haughton introduced a bill entitled "An act to provide for the appointment of clerks of the district courts in the city of New York,"



which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Twombly introduced a bill entitled "An act conferring power on certain officers of the city of New York; and for providing moneys for the use of said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Twombly moved that said committee be instructed to report said bill at the first session after the adjournment, without amendment and complete.

Debate was had thereon, when

Mr. Alvord moved to strike out the words "without amendment and complete."

Debate again ensued, after which

The amendment of Mr. Alvord was accepted on the part of the mover.

Mr. Tilden moved to amend by striking out all after the word "bill" in said resolution, and inserting in lieu thereof the words "Wednesday next."

Mr. Speaker put the question whether the House would agree to said amendment, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said resolution, as amended, and it was determined in the affirmative.

Mr. Twombly introduced a bill entitled "An act to provide for the liquidation of the indebtedness of the city and county of New York, as it existed on the 31st day of December, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Twombly moved that said committee be instructed to report on Wednesday next.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Twombly introduced a bill entitled "An act to incorporate the Importers' and Grocers' Board of Trade, of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Healy introduced a bill entitled "An act in relation to running freight cars below Thirtieth street, in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Alvord introduced a bill entitled "An act relating to the settling, signing and sealing of bills of exceptions in criminal cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Burns introduced a bill entitled "An act to extend to the towns of Skaneateles and Spafford, of the county of Onondaga, the provisions of the act entitled 'An act to amend an act entitled An act to authorize the formation of railroad corporations, and to regulate the same, passed April 2, 1850, so as to permit municipal corporations to aid in the construction of railroads, passed May 15, 1869,' and of acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Dykeman introduced a bill entitled "An act to repeal an act passed February 27, 1871, entitled 'An act to provide a further supply of

pure and wholesome water for the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to repeal an act passed April 6, 1871, entitled 'An act to re-enact and amend an act entitled An act to provide a further supply of pure and wholesome water for the city of New York,' passed February 27, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Prince introduced a bill entitled "An act relative to moneys deposited with public officers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Judd introduced a bill entitled "An act to establish a board of health and of vital statistics in the county of Richmond, and to define its powers and duties," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

Mr. Loughran introduced a bill entitled "An act to incorporate the city of Rondout," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Whitaker introduced a bill entitled "An act to amend an act entitled 'An act to authorize the trustees of the village of Ellenville, county of Ulster, to borrow money for the purpose of introducing water into the village and to control and regulate the use of the same,' passed April 5, 1866, and supplemental thereto," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Wells introduced a bill entitled "An act to release to George Buerckel and Magdalena Stell, the brother and sister of Henry Buerckel, deceased, all the right, title and interest of the people of the State of New York in and to a certain house and lot of land in the village of Lyons, county of Wayne and State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the petitions of aliens.

Mr. Badeau introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the Port Chester Savings Bank,' passed March 10, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Mr. Niles introduced a bill entitled "An act in regard to the qualification of executors of the estate of any deceased person," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Speaker introduced a bill entitled "An act to extend and define the jail liberties of the city and county of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

On motion of Mr. Judd,

*Resolved*, That the committee on commerce and navigation be instructed to investigate, as soon as may be, the alleged quarantine abuses of the port of New York, and report to this House, by bill or otherwise.

Mr. Herrick offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the Comptroller report to the Assembly, as soon as possible, the whole number of warrants drawn on the treasury to pay for services of officers and attendants of every description, of the Assembly, for the session of 1871, the amount of each warrant, the name of each person for whom it was drawn, and the character of the service for which compensation was claimed.

Said resolution giving rise to debate,

*Ordered*, That said resolution be laid on the table.

Mr. Prince offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the judiciary committee be instructed to inquire what reforms, if any, can be made in the methods of legislation in this State, and report by bill or otherwise.

*Ordered*, That said resolution be laid on the table.

Mr. Sniper offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That 1,000 extra copies of the Adjutant-General's report be printed and bound for the use of the Adjutant-General's department.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Loughran called up for the consideration of the House a resolution, heretofore offered by him, in the words following, to wit:

*Resolved*, That when this House adjourn on Friday, the 12th inst., it be to meet on Monday evening, the 15th inst., at 7½ o'clock.

Debate was had thereon, when

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative.

} AYES 50 {  
} NOES 65 {

Those who voted in the affirmative, were

|               |          |            |         |                |
|---------------|----------|------------|---------|----------------|
| Abbott        | Cook     | Haight     | Moseley | Strahan        |
| Aitken        | Couchman | Hart       | Mosher  | D. Tomkins     |
| D. L. Babcock | Crandall | Haughton   | Oakley  | M. M. Tompkins |
| Bennett       | Dunphy   | Healy      | Peck    | Tucker         |
| Blair         | Dykeman  | A. Hill    | Pell    | Twombly        |
| Burns         | Foley    | D. B. Hill | Prince  | Vedder         |
| Campbell      | Fowler   | Judd       | Roche   | West           |
| Carroll       | Goss     | Knapp      | Smith   | Whitbeck       |
| Chamberlain   | Green    | Loughran   | Smyth   | Whitaker       |
| Chambers      | Griffin  | Mackay     | Snyder  | Woolsey        |

Those who voted in the negative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Flammer     | Kingsland  | Murdock    | Springsted      |
| Alvord        | Greenhalgh  | Knettes    | Niles      | Squires         |
| I. H. Babcock | Gregory     | Lewis      | Osgood     | Swain           |
| Badeau        | Hawkins     | Lincoln    | Preston    | Tilden          |
| Beckwith      | A. L. Hayes | Lippitt    | Ray        | Tobey           |
| Berri         | Herrick     | G. D. Lord | Rice       | A. L. Van Dusen |
| E. E. Brown   | Holdridge   | G. P. Lord | Rose       | W. J. Van Dusen |
| I. D. Brown   | Hollister   | Lott       | Sage       | Wells           |
| Buckley       | Houghton    | Lynde      | Shepardson | White           |
| Burritt       | Hungerford  | Marcy      | Simson     | Wiley           |
| Davidson      | Hyatt       | Moore      | Smiley     | Woodward        |
| Ely           | Jacobs      | Morton     | Sniper     | Wyman           |
| Enos          | Kennedy     | Moulton    | Speaker    | Yeomans         |



Mr. Mackay called for the consideration of the resolution heretofore offered by him, in the words following, to wit:

*Resolved*, That the Speaker shall be authorized to give and enforce such directions as he shall think proper as to the ventilation and cleaning of the Assembly Chamber and its ante-chambers; but he shall not incur any expense chargeable to the State in relation thereto.

Mr. Speaker then put the question whether the House would agree to said resolution, and it was determined in the affirmative.

By unanimous consent, Mr. Jacobs called from the table a resolution in the words following, to wit:

*Resolved*, That the Comptroller report to the Assembly, as soon as possible, the whole number of warrants drawn on the treasury to pay for services of officers and attendants of every description of the Assembly for the session of 1871, the amount of each warrant, the name of each person for whom it was drawn, and the character of the service for which compensation was claimed.

Mr. Jacobs moved to amend said resolution so that it shall apply to the sessions of 1869, 1870 and 1871.

Mr. Yeomans moved as an amendment to the amendment, to add to said resolution the words, "and what warrants were drawn in person and what by power of attorney, and the name of the person drawing, in each instance.

Mr. Speaker put the question whether the House would agree to said amendment of Mr. Yeomans, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said amendment of Mr. Jacobs, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said resolution, as amended, and it was determined in the affirmative.

Leave of absence was granted to Messrs. Baltz, Geib, Griffin and Moore, for an indefinite period; to Messrs. Burns and Moseley until Monday evening, and to Mr. Niles until Saturday evening.

Mr. Morton moved to reconsider the vote taken relative to the adjournment of the House.

Debate was had thereon, when

Mr. Alvord moved to lay said motion on the table.

Mr. Speaker put the question whether the House would agree to said motion to lay on the table, and it was determined in the negative.

{ AYES 55 }  
{ NOES 60 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Alberger      | Davidson   | Hyatt      | Moore      | Speaker         |
| Alvord        | Enos       | Jacobs     | Moulton    | Springsted      |
| D. L. Babcock | Flammer    | Kennedy    | Murdock    | Squires         |
| I. H. Babcock | Greenhalgh | Kingsland  | Osgood     | Swain           |
| Badeau        | Gregory    | Knottles   | Preston    | Tobey           |
| Beckwith      | Griffin    | Lewis      | Ray        | A. L. Van Dusen |
| E. E. Brown   | Hawkins    | Lincoln    | Rice       | Wells           |
| I. D. Brown   | Herrick    | Lippitt    | Rose       | Wiley           |
| Buckley       | Holdridge  | G. P. Lord | Shepardson | Woodward        |
| Burritt       | Hollister  | Lott       | Simson     | Wyman           |
| Couchman      | Hungerford | Lynde      | Sniper     | Yeomans         |

Those who voted in the negative, were

|        |         |            |        |            |
|--------|---------|------------|--------|------------|
| Abbott | Dykeman | D. B. Hill | Oakley | Tilden     |
| Aitken | Ely     | Houghton   | Paige  | D. Tomkins |

|          |             |            |         |                 |
|----------|-------------|------------|---------|-----------------|
| Bennett  | Foley       | Judd       | Peck    | M. M. Tompkins  |
| Berri    | Fowler      | Knapp      | Pell    | Tucker          |
| Blair    | Goss        | G. D. Lord | Prince  | Twombly         |
| Buell    | Green       | Loughran   | Roche   | W. J. Van Dusen |
| Burns    | Haight      | Mackay     | Sage    | Vedder          |
| Campbell | Hart        | Marcy      | Smiley  | West            |
| Chambers | Haughton    | Morton     | Smith   | Whitbeck        |
| Cook     | A. L. Hayes | Moseley    | Smyth   | White           |
| Crandall | Healy       | Mosher     | Snyder  | Whitaker        |
| Dunphy   | A. Hill     | Niles      | Strahan | Woolsey         |

Pending the call, Mr. Moseley asked to be excused from voting.

Mr. Speaker put the question whether the House would agree to said motion to excuse, and it was determined in the negative.

Mr. Alvord moved that the House adjourn.

Mr Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

} AYES 43 }  
 } NOES 70 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Alberger      | Enos       | Kingsland  | Paige      | Squires         |
| Alvord        | Greenhalgh | Knettles   | Preston    | Swain           |
| D. L. Babcock | Haughton   | Lewis      | Ray        | Tobey           |
| I. H. Babcock | Herrick    | Lincoln    | Rose       | A. L. Van Dusen |
| I. D. Brown   | Holdridge  | Lippitt    | Shepardson | Wells           |
| Buckley       | Hungerford | G. P. Lord | Simson     | Woodward        |
| Burritt       | Hyatt      | Lott       | Speaker    | Wyman           |
| Couchman      | Jacobs     | Lynde      | Springsted | Yeomans         |
| Davidson      | Kennedy    | Osgood     |            |                 |

Those who voted in the negative, were

|             |             |            |         |                 |
|-------------|-------------|------------|---------|-----------------|
| Abbott      | Dunphy      | Healy      | Moulton | Snyder          |
| Aitken      | Dykeman     | A. Hill    | Murdock | Strahan         |
| Badeau      | Ely         | D. B. Hill | Niles   | Tilden          |
| Beckwith    | Flammer     | Hollister  | Oakley  | D. Tomkins      |
| Bennett     | Foley       | Houghton   | Peck    | M. M. Tompkins  |
| Berri       | Fowler      | Judd       | Pell    | Twombly         |
| Blair       | Goss        | Knapp      | Prince  | W. J. Van Dusen |
| E. E. Brown | Green       | G. D. Lord | Rice    | Vedder          |
| Buell       | Gregory     | Loughran   | Roche   | West            |
| Burns       | Griffin     | Mackay     | Sage    | Whitbeck        |
| Campbell    | Haight      | Marcy      | Smiley  | White           |
| Chambers    | Hart        | Morton     | Smith   | Whitaker        |
| Cook        | Hawkins     | Moseley    | Smyth   | Wiley           |
| Crandall    | A. L. Hayes | Mosher     | Sniper  | Woolsey         |

The question being on the motion to reconsider.

Debate was had thereon, when

Mr. D. B. Hill moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative.

Mr. Alvord rose to address the Chair, when Mr. D. B. Hill raised the point of order that debate was out of order, on the ground that we were operating under the previous question.

Mr. Speaker decided the point of order not well taken, as the previous question only applied to the motion to reconsider, and not to the resolution.

Debate was had thereon, when

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

{ AYES 60 }  
{ NOES 52 }

Those who voted in the affirmative, were

|               |          |            |        |                 |
|---------------|----------|------------|--------|-----------------|
| Abbott        | Crandall | A. Hill    | Oakley | Strahan         |
| Aitken        | Dunphy   | D. B. Hill | Paige  | Tilden          |
| D. L. Babcock | Dykeman  | Judd       | Peck   | D. Tompkins     |
| Badeau        | Foley    | Knapp      | Pell   | M. M. Tompkins  |
| Bennett       | Fowler   | G. D. Lord | Prince | Twombly         |
| Blair         | Goss     | Loughran   | Roche  | W. J. Van Dusen |
| Buckley       | Green    | Mackay     | Sage   | Vedder          |
| Buell         | Griffin  | Marcy      | Smiley | West            |
| Burns         | Haight   | Morton     | Smith  | Whitbeck        |
| Campbell      | Hart     | Moseley    | Smyth  | Whitaker        |
| Chambers      | Haughton | Mosher     | Sniper | Wiley           |
| Cook          | Healy    | Niles      | Snyder | Woolsey         |

Those who voted in the negative, were

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| Alberger      | Enos        | Hyatt     | Moulton    | Springsted      |
| Alvord        | Flammer     | Jacobs    | Murdock    | Squires         |
| I. H. Babcock | Greenhalgh  | Kennedy   | Osgood     | Swain           |
| Beckwith      | Gregory     | Kingsland | Preston    | Tobey           |
| Berri         | Hawkins     | Knettlis  | Ray        | A. L. Van Dusen |
| E. E. Brown   | A. L. Hayes | Lewis     | Rice       | Wells           |
| I. D. Brown   | Herrick     | Lincoln   | Rose       | White           |
| Burritt       | Holdridge   | Lippitt   | Shepardson | Woodward        |
| Couchman      | Hollister   | Lott      | Simson     | Wyman           |
| Davidson      | Houghton    | Lynde     | Speaker    | Yeomans         |
| Ely           | Hungerford  |           |            |                 |

By unanimous consent, Mr. Alvord presented a memorial of the National Bricklayers Union, in regard to the law commonly known as the eight hour law; which was read and referred to the committee on trade and manufactures.

On motion of Mr. Bennett, at 1 o'clock and 20 minutes, the House adjourned.

MONDAY, JANUARY 15, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Alderman.

The journal of Friday, the 12th inst., was read and approved.

Mr. Shepardson presented a petition of eight citizens of the village of Sherburne, Chenango county, for an increased appropriation for the literature fund; which was read and referred to the committee on ways and means.

Mr. Jacobs presented a petition of citizens of New Utrecht, Kings county, for a law providing for the laying out of new roads and the closing of old ones, in that town; which was read and referred to the committee on roads and bridges.

Mr. Moseley presented a petition of John Schoen and others, of the German Evangelical Lutheran St. John's Church, of South Brooklyn



for exemption from assessment for the widening of Prospect avenue, in the city of Brooklyn; which was read and referred to the committee on the affairs of cities.

Mr. Woolsey presented a petition of the trustees of the Bruynswick Rural Cemetery Association, for the passage of a law to enable them to acquire title to real estate for burial purposes; which was read and referred to the committee on charitable and religious societies.

Mr. Tucker presented a petition of trustees of Unadilla Academy, praying for the passage of an act for the sale of said academy; which was read and referred to the committee on public education.

Also, a petition of tax-payers and voters of the town of Schoharie, Schoharie county, for the repeal of the act passed in 1871, in relation to the Schoharie Valley Railroad Company; which was read and referred to the committee on railroads.

Mr. Smiley presented a petition in favor of issuing new railroad bonds in place of those falling due upon the town of Lowville, Lewis county; which was read and referred to the committee on railroads.

Mr. W. J. Van Dusen presented a petition of the inhabitants of the towns of Palatine and Mohawk, Montgomery county, for an amendment of the law in relation to the boundaries of Union Free School districts; which was read and referred to the committee on public education.

Also, a petition of the inhabitants of Schenectady and Montgomery counties, praying that the penalty provided by statute for driving faster than a walk over bridges, be increased for the bridge over Schoharie creek between the above named counties at or near Burtonville; which was read and referred to the committee on roads and bridges.

Mr. Whitbeck presented a petition of Martin K. Thompson and others praying for the use of the main sewers in the city of New York, to place therein telegraph cables and telegraph wires; which was read and referred to the committee on the affairs of cities.

Mr. W. J. Van Dusen presented a petition of farmers of the town of Minden, in the county of Montgomery, that the State build a fence along the Rocky Rift Feeder of the Erie canal, in the said town of Minden; which was read and referred to the committee on canals.

Messrs. Kennealy and Lincoln presented several remonstrances of citizens from different parts of the State against placing the Erie railway under control of a British monopoly; which were read and referred to the committee on railroads.

Mr. I. H. Babcock, from the committee on the expenditures of the House, to which was referred the resolution of Mr. Prince relative to furnishing maps for the use of members of the House, reported in favor of the adoption of the following resolution:

*Resolved*, That the Clerk of the Assembly be directed to procure a suitable map of the State of New York and also a map of the city of Albany, to be hung in the rear of the Assembly Chamber, at an expense not exceeding twenty dollars.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative.

Mr. D. L. Babcock introduced a bill entitled "An act to establish a court of special sessions in and for the city of Albany, and to confer further judicial powers upon the recorder of said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Springsted introduced a bill entitled "An act to amend an act

entitled 'An act to authorize the Watervliet Turnpike Company to construct and maintain a railroad on their present road and to extend the same into and through the villages of West Troy and Cohoes and the town of Watervliet and the city of Albany, to increase their capital stock and to alter their corporate name,' passed April 15, 1862, by increasing the capital stock of the company for the purpose of paying the outstanding bonds thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Simson introduced a bill entitled "An act to provide for the establishment of fire limits in the village of Tonawanda, Erie county, New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. I. H. Babcock introduced a bill entitled "An act to grant the right to erect a section of frame work upon the bank of the Erie canal in the city of Lockport, to test a method to be employed in the propulsion of boats," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Strahan introduced a bill entitled "An act to amend chapter 916, of the Laws of 1869, entitled 'An act to amend chapter 278, of the Laws of 1868, entitled An act in relation to the Erie, New York Central, Hudson River and Harlem railway companies,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Green introduced a bill entitled "An act for the relief of George Howard," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

Mr. Rose introduced a bill entitled "An act to regulate the rate of interest upon money and providing penalties for reserving or receiving unlawful interest," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Lynde introduced a bill entitled "An act to amend section 2, chapter 545, of the Laws of 1865, in relation to the jurisdiction of the justice of the peace of the village of Canton," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Woolsey introduced a bill entitled "An act to incorporate the Marlborough Savings Bank in the county of Ulster," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Mr. Niles introduced a bill entitled "An act in relation to affidavit of merits in actions brought in courts of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Badeau introduced a bill entitled "An act to regulate the management of insurance companies and the disposal of their assets," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

Also, a bill entitled "An act to incorporate the Mamaroneck and Rye Neck Fire Department," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on villages.



Mr. Judd introduced a bill entitled "An act in relation to the qualification of jurors in criminal cases, and to peremptory challenges in capital cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Murdock introduced a bill entitled "An act to amend section 119 of title 4, chapter 2, part 3, of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Pell introduced a bill entitled "An act to extend the operation and effect of the act passed February 17, 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes, and entitled, (as the title of said act was amended by an act passed April 28, 1866,) An act to authorize the formation of manufacturing, mining, mechanical, chemical, agricultural, horticultural, medical or curative, mercantile or commercial purposes,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trades and manufactures.

Mr. Jacobs offered for the consideration of the House resolutions, in the words following, to wit:

*Resolved*, That the Superintendent of the Banking Department be requested to forward to the Assembly the evidence taken by the examiners appointed by him to investigate the affairs of the Third Avenue Savings Bank in the city of New York, together with the report thereon made by said examiners.

*Resolved*, That the Superintendent of the Banking Department be requested to inform the Assembly whether any information has reached his knowledge substantiating charges made in the public press that the officers of one or more savings banks have used the funds of said banks for the purpose of private speculation, or have invested them in any other manner contrary to law.

Mr. Speaker put the question whether the House would agree to said resolutions, and it was determined in the affirmative.

Mr. Lincoln offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the standing committee on the manufacture of salt be instructed to investigate the subject of the manufacture of salt in this State, and report to this House, at an early day, why the salt manufactured from the waters belonging to the State is sold to the inhabitants of other States and Canada at a less price than is charged to the people of this State; and also to report what action, if any, should be taken by the Legislature in order to increase the revenue of the State from the salt springs therein.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

The House then resolved itself into a committee of the whole on the bills entitled as follows:

"An act to confirm orders of the court of general sessions of the peace in and for the city and county of New York, continuing the last November term thereof, and to define the construction of chapter 10 of the Laws of 1862, entitled 'An act to empower the court of the general sessions of the peace, in and for the city and county of New York, to extend its terms and to authorize its adjournments.'"

"An act in relation to the law of limited partnerships."



"An act to legalize the official acts and proceedings of Cyrillo S. Lincoln, a justice of the peace of the town of Naples, county of Ontario."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Knapp, from said committee, reported in favor of the passage of said bills, the first mentioned with amendments; which report was agreed to, and said bills ordered engrossed for a third reading.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act in relation to the filing of the certificate of incorporation of the Keating Lumber Company."

Senate, "An act to authorize the Poughkeepsie and Eastern Railroad Company to cancel a portion of its first mortgage bonds, and to substitute therefor bonds of a larger denomination."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Moseley, from said committee, reported in favor of the passage of said first mentioned bill, with amendments; which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Moseley, from said committee, also reported in favor of the passage of said second mentioned bill; which report was agreed to, and said bill ordered to a third reading.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled as follows:

"An act to repeal section 2 of an act entitled 'An act to further amend the charter of the village of Albion, in the county of Orleans,' passed April 27, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Speaker presented a message from His Excellency the Governor, transmitting the annual report of the Commissioners of Pilots; which was laid on the table and ordered printed.

(See *Doc. No. 14.*)

On motion of Mr. Buckley, at 9 o'clock and 10 minutes, the House adjourned.

## TUESDAY, JANUARY 16, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Blayney.

The journal of yesterday was read and approved.

This being the day assigned by the rules for consideration of general orders, and there being none, the House proceeded to the regular order of business.

Mr. Smyth, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act in relation to the law of limited partnerships."

"An act to legalize the official acts and proceedings of Cyrillo S. Lincoln, a justice of the peace of the town of Naples, county of Ontario."

"An act in relation to the filing of the certificate of incorporation of the Keating Lumber Company."

"An act to confirm orders of the court of general sessions of the peace in and for the city and county of New York, continuing the last November term thereof; and to define the construction of chapter 10 of the Laws of 1862, entitled 'An act to empower the court of the general sessions of the peace, in and for the city and county of New York, to extend its terms and to authorize its adjournments.'"

Mr. Preston presented a petition from citizens of Frewsburgh, Chautauqua county, and others, for the exemption from poll-tax, of all persons over sixty years of age, or at such age as they are more or less infirm, and also all those who have lost one or more limbs in the war of the rebellion, or otherwise; which was read and referred to the committee on roads and bridges.

Mr. Smiley presented a remonstrance against issuing new railroad bonds upon the town of Lowville, Lewis county, in place of those falling due in February, 1872; which was read and referred to the committee on railroads.

Mr. Couchman presented a remonstrance against the repeal of an amendment of an act to facilitate the construction of the Schoharie Valley Railroad, passed May 3, 1871; which was read and referred to the committee on railroads.

Mr. Geib presented a petition of the Americus Coterie for an act of incorporation; which was read and referred to the committee on charitable and religious societies.

Mr. Enos presented a petition to prevent fishing with nets in the St. Lawrence river; which was read and referred to the committee on internal affairs.

Messrs. Ely, Fowler, Crandall, Wells, Abbott, Murdock and Smyth presented several remonstrances from citizens of various portions of the State against placing the Erie Railway under the control of a British monopoly; which were read and referred to the committee on railroads.

The bill entitled "An act to confirm orders of the court of general sessions of the peace in and for the city and county of New York, continuing the last November term thereof; and to define the construction of chapter 10, of the Laws of 1862, entitled 'An act to empower the court of the general sessions of the peace, in and for the city and county of New York, to extend its terms and to authorize its adjournments,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 89 }  
{ NOES 13 }

Those who voted in the affirmative, were

|               |            |           |            |                 |
|---------------|------------|-----------|------------|-----------------|
| Abbott        | Foley      | Judd      | Osgood     | Strahan         |
| Alberger      | Fowler     | Kennedy   | Paige      | Swain           |
| Alvord        | Geib       | Kingsland | Peck       | Tobey           |
| D. L. Babcock | Goss       | Knapp     | Pell       | D. Tomkins      |
| I. H. Babcock | Green      | Knetties  | Pierce     | Tucker          |
| Bemus         | Greenhalgh | Lincoln   | Preston    | Twombly         |
| Bennett       | Gregory    | Lott      | Rose       | A. L. Van Dusen |
| Berri         | Griffin    | Loughran  | Sage       | W. J. Van Dusen |
| E. E. Brown   | Haight     | Lynde     | Shepardson | Vedder          |

|             |           |         |            |          |
|-------------|-----------|---------|------------|----------|
| I. D. Brown | Hart      | Mackay  | Simson     | Wells    |
| Buckley     | Hawkins   | Marcy   | Smiley     | West     |
| Burns       | J. Hayes  | Moore   | Smith      | Whitbeck |
| Burritt     | Healy     | Morton  | Smyth      | White    |
| Crandall    | Herrick   | Mosher  | Sniper     | Whitaker |
| Davidson    | Hollister | Moulton | Snyder     | Woodward |
| Eastman     | Houghton  | Murdock | Speaker    | Woolsey  |
| Ely         | Hyatt     | Niles   | Springsted | Wyman    |
| Enos        | Jacobs    | Oakley  | Squires    |          |

Those who voted in the negative, were

|        |          |         |       |                |
|--------|----------|---------|-------|----------------|
| Aitken | Chambers | Fields  | Ray   | M. M. Tompkins |
| Blair  | Cook     | Frear   | Roche | Wiley          |
| Buell  | Couchman | Moseley |       |                |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act in relation to the law of limited partnerships," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 89 }  
{ NOES 5 }

Those who voted in the affirmative, were

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| Alberger      | Fowler      | Kennedy   | Pierce     | D. Tomkins      |
| Alvord        | Frear       | Kingsland | Preston    | M. M. Tompkins  |
| D. L. Babcock | Geib        | Knapp     | Prince     | Tucker          |
| I. H. Babcock | Goss        | Knettles  | Ray        | Twombly         |
| Bemus         | Green       | Lincoln   | Rice       | A. L. Van Dusen |
| Bennett       | Greenhalgh  | Lott      | Rose       | W. J. Van Dusen |
| Berri         | Gregory     | Loughran  | Sage       | Vedder          |
| E. E. Brown   | Griffin     | Mackay    | Shepardson | Wells           |
| Buckley       | Haight      | Marcy     | Simson     | West            |
| Buell         | Hawkins     | Moore     | Smiley     | Whitbeck        |
| Burritt       | A. L. Hayes | Morton    | Smyth      | White           |
| Chambers      | Herrick     | Moulton   | Sniper     | Whitaker        |
| Crandall      | Holdridge   | Murdock   | Snyder     | Wiley           |
| Davidson      | Hollister   | Niles     | Speaker    | Woodward        |
| Eastman       | Houghton    | Oakley    | Squires    | Woolsey         |
| Ely           | Hyatt       | Paige     | Strahan    | Wyman           |
| Enos          | Jacobs      | Peck      | Swain      | Yeomans         |
| Foley         | Judd        | Pell      | Tobey      |                 |

Those who voted in the negative, were

|        |      |        |         |       |
|--------|------|--------|---------|-------|
| Aitken | Cook | Fields | Moseley | Roche |
|--------|------|--------|---------|-------|

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to legalize the official acts and proceedings of Cyrillo S. Lincoln, a justice of the peace of the town of Naples, county of Ontario," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.



{ AYES 98 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| Abbott        | Davidson    | Herrick   | Niles      | Speaker         |
| Aitken        | Dykeman     | Holdridge | Osgood     | Squires         |
| Alberger      | Eastman     | Hollister | Paige      | Strahan         |
| Alvord        | Ely         | Houghton  | Peck       | Swain           |
| D. L. Babcock | Enos        | Hyatt     | Pell       | D. Tomkins      |
| I. H. Babcock | Fields      | Jacobs    | Pierce     | Tucker          |
| Badeau        | Foley       | Judd      | Preston    | Twombly         |
| Beckwith      | Fort        | Kennedy   | Prince     | A. L. Van Dusen |
| Bemus         | Fowler      | Kingsland | Ray        | W. J. Van Dusen |
| Bennett       | Frear       | Knapp     | Rice       | Vedder          |
| Berri         | Geib        | Lott      | Roche      | Wells           |
| E. E. Brown   | Goss        | Loughran  | Sage       | West            |
| I. D. Brown   | Green       | Lynde     | Shepardson | Whitbeck        |
| Buckley       | Greenhalgh  | Mackay    | Simson     | White           |
| Buell         | Gregory     | Marcy     | Smiley     | Whitaker        |
| Burritt       | Griffin     | Moore     | Smith      | Wiley           |
| Chambers      | Haight      | Morton    | Smyth      | Woolsey         |
| Cook          | Hart        | Moseley   | Sniper     | Wyman           |
| Couchman      | Hawkins     | Moulton   | Snyder     | Yeomans         |
| Crandall      | A. L. Hayes | Murdock   |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act in relation to the filing of the certificate of incorporation of the Keating Lumber Company," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 96 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |             |            |                 |
|---------------|-------------|-------------|------------|-----------------|
| Abbott        | Eastman     | Holdridge   | Moulton    | Speaker         |
| Aitken        | Ely         | Hollister   | Murdock    | Squires         |
| Alberger      | Enos        | Houghton    | Niles      | Strahan         |
| Alvord        | Fields      | Hungerford. | Osgood     | Swain           |
| D. L. Babcock | Foley       | Hyatt       | Paige      | D. Tomkins      |
| I. H. Babcock | Fort        | Jacobs      | Peck       | M. M. Tompkins  |
| Beckwith      | Fowler      | Judd        | Pell       | Tucker          |
| Bemus         | Frear       | Kennedy     | Pierce     | Twombly         |
| Berri         | Geib        | Knapp       | Preston    | W. J. Van Dusen |
| E. E. Brown   | Goss        | Knettles    | Prince     | Vedder          |
| I. D. Brown   | Green       | Lewis       | Ray        | Wells           |
| Buckley       | Greenhalgh  | Lincoln     | Rice       | West            |
| Buell         | Gregory     | G. P. Lord  | Rose       | Whitbeck        |
| Burritt       | Griffin     | Lott        | Shepardson | White           |
| Chambers      | Hart        | Loughran    | Simson     | Whitaker        |
| Cook          | Hawkins     | Mackay      | Smiley     | Woodward        |
| Couchman      | A. L. Hayes | Moore       | Smith      | Woolsey         |
| Crandall      | Herrick     | Morton      | Smyth      | Wyman           |
| Davidson      | A. Hill     | Mosher      | Sniper     | Yeomans         |
| Dykeman       |             |             |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to authorize the Poughkeepsie and Eastern Railroad Company to cancel a portion of its first mortgage

bonds, and to substitute therefor bonds of a larger denomination," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 98 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Eastman     | Hyatt      | Paige      | Squires         |
| Aitken        | Enos        | Jacobs     | Peck       | Strahan         |
| Alberger      | Fields      | Judd       | Pell       | Swain           |
| Alvord        | Foley       | Kingsland  | Pierce     | D. Tomkins      |
| D. L. Babcock | Fort        | Knapp      | Preston    | M. M. Tompkins  |
| I. H. Babcock | Fowler      | Knetties   | Prince     | Tucker          |
| Badeau        | Frear       | Lewis      | Ray        | Twombly         |
| Beckwith      | Geib        | Lincoln    | Rice       | A. L. Van Dusen |
| Bemus         | Goss        | G. P. Lord | Rose       | W. J. Van Dusen |
| Bennett       | Greenhalgh  | Lott       | Sage       | Vedder          |
| Berri         | Haight      | Loughran   | Shepardson | Wells           |
| I. D. Brown   | Hawkins     | Mackay     | Simson     | West            |
| Buckley       | A. L. Hayes | Marcy      | Smiley     | Whitbeck        |
| Buell         | Healy       | Moore      | Smith      | White           |
| Burns         | Herrick     | Morton     | Smyth      | Whitaker        |
| Burritt       | A. Hill     | Mosher     | Sniper     | Wiley           |
| Carroll       | Holdridge   | Moulton    | Snyder     | Woodward        |
| Chambers      | Hollister   | Murdock    | Speaker    | Woolsey         |
| Crandall      | Houghton    | Niles      | Springsted | Yeomans         |
| Davidson      | Hungerford  | Osgood     |            |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

Mr. Eastman introduced a bill entitled "An act to encourage the establishment of manufactories in the city of Poughkeepsie," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trades and manufactures.

Mr. Simson introduced a bill entitled "An act to provide for the joint purchase of a steam fire-engine in the villages of Tonawanda, Erie county, and North Tonawanda, Niagara county, and for the more effectual protection of said villages against fire," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Morton introduced a bill entitled "An act to regulate the running of ferries between the cities of New York and Brooklyn, and to establish rates of ferriage thereon," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Peck introduced a bill entitled "An act to amend an act entitled 'An act to amend the charter of the city of Brooklyn, passed April 8th, 1834,' and to establish a bureau or department of gas in and for said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Hyatt introduced a bill entitled "An act authorizing the election of a board of auditors for the town of Lenox, Madison county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Goss introduced a bill entitled "An act to compel the New York Central and Hudson River Railroad Company and the Erie Railroad

Company to appoint watchmen at the several crossings therein named," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Hawkins introduced a bill entitled "An act to provide for the payment of certain claims against the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. I. H. Babcock introduced a bill entitled "An act to amend chapter 969 of the Laws of 1867, and the acts amendatory thereof, in relation to the inspection of steam boilers, and to abolish the office of inspector in chief," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trades and manufactures.

Mr. Fort introduced a bill entitled "An act to provide for the improvement of the navigation of the Oneida and Oswego rivers and of the hydraulic power thereon, and to check freshets therein," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Prince introduced a bill entitled "An act to authorize the village of Flushing, Queens county, to borrow money and issue bonds therefor, for the purpose of paying the indebtedness of said village, and for the general improvement thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Also, a bill entitled "An act to amend chapter 539 of the Laws of 1870, entitled 'An act in relation to jurors in the city and county of New York,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Judd introduced a bill entitled "An act to incorporate the Port Richmond Savings Bank," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Mr. Niles introduced a bill entitled "An act to create a police and civil justice in the town of Morrisania, in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Marcy introduced a bill entitled "An act to incorporate the Shelter Island Grove and Camp-meeting Association, of the Methodist Episcopal Church," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Also, a bill entitled "An act to repeal section 27 of chapter 721 of the Laws of 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act to repeal chapter 337 of the Laws of 1865," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. I. D. Brown introduced a bill entitled "An act to amend an act entitled 'An act to amend the several acts incorporating the village of Weedsport, in the county of Cayuga,' passed April 7, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.



Mr. Sniper presented the annual report of the superintendent of the Onondaga salt springs; which was laid on the table and ordered printed.  
(See Doc. No. 17.)

Mr. Sniper offered in connection therewith, the following:

*Resolved*, That 500 extra copies of the annual report of the superintendent of the Onondaga salt springs, in paper covers, be printed for the use of the superintendent.

*Ordered*, That said resolution be referred to the committee on public printing.

On motion of Mr. Whitbeck,

*Resolved*, That it be referred to the judiciary committee to investigate the conduct of the late and present registers of the city and county of New York, and of the subordinate officers of each of them, in carrying on the business of that office; and to inquire and report particularly whether it has been or is now the practice in that office to make charges in excess of those allowed by law for recording deeds, mortgages, and other instruments, and for filing instruments: and for searching and for certifying the search for deeds, mortgages, and other papers; and what has been, and what is such excess; and that the committee report its opinion thereupon, and whether, in its opinion, any legislation is now necessary or expedient in relation thereto.

On motion of Mr. Whitbeck,

*Resolved*, That it be referred to the judiciary committee to investigate the conduct of the clerk of the city and county of New York, and of his subordinate officers in carrying on the business of that office, and to inquire and report particularly whether it has been or is the practice in that office to make charges in excess of those allowed by law for services required, and whether applicants for services are put to delay in order to effect extortion in charges, with all the particulars; and whether the limitation by law of a time for making return of searches promotes or hinders the practice of extortion; and that it also inquire and report what were the actual receipts and expenditures of the said office in and for the business thereof in the past year; and further what liens upon or rights against real estate are now authorized by law to be acquired by means of or through the said office, and their nature and operation particularly; and that the committee report its opinion on the whole subject of the said investigation and inquiry and whether any legislation is now necessary or expedient in relation thereto.

Mr. Morton offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the placards prohibiting smoking, now posted in this chamber, be removed during the sessions of this Assembly, and that the officers of this House be empowered and directed to deny entrance to this chamber, at all times, to any person or persons who may be smoking.

Said resolution giving rise to debate,

*Ordered*, That the same be laid on the table.

Mr. Peck offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the committee on State prisons investigate, as soon as may be, the alleged abuses connected with the State prisons, with full power to send for persons, books and papers.

Mr. Jacobs moved to amend by adding the words, "such investigation to be without expense to the State, except for the service of legal process."

Mr. Speaker put the question whether the House would agree to said motion of Mr. Jacobs, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. Jacobs,

*Resolved*, That the commissioners of Prospect park, in the city of Brooklyn, be requested to inform the Assembly whether the cost price of the eastern portion of the Prospect park (that portion which they are authorized and propose to sell) has been assessed upon any and what property; if so, the reasons for such assessment; and also, whether the said eastern portion of said park has been exempted from any assessment recently made.

On motion of Mr. Fields,

*Resolved*, That the Speaker be and he is hereby authorized to issue cards of admission to the privileges of the floor of this House, and the door-keepers are hereby directed not to allow any person to pass upon the floor of this House unless provided with such card of admission, except those privileged under the 57th rule.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled as follows:

"An act to amend an act passed April 26, 1869, entitled 'An act for the election of a receiver of taxes and assessments for the town of Cortlandt and village of Peekskill,'" which was read the first time, and by unanimous consent was also read the second time.

By unanimous consent, and on motion of Mr. Alvord, said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 100 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Eastman     | Holdridge  | Mosher     | Springsted      |
| Aitken        | Ely         | Hollister  | Moulton    | Squires         |
| Alberger      | Enos        | Houghton   | Murdock    | Strahan         |
| Alvord        | Fields      | Hungerford | Niles      | Swain           |
| I. H. Babcock | Foley       | Hyatt      | Osgood     | Tobey           |
| Badeau        | Fort        | Jacobs     | Paige      | D. Tomkins      |
| Beckwith      | Fowler      | Judd       | Peck       | M. M. Tompkins  |
| Bennett       | Frear       | Kennedy    | Preston    | Tucker          |
| Berri         | Geib        | Kingsland  | Ray        | Twombly         |
| Blair         | Goss        | Knapp      | Rice       | A. L. Van Dusen |
| E. E. Brown   | Green       | Knettles   | Roche      | W. J. Van Dusen |
| Buckley       | Greenhalgh  | Lewis      | Rose       | Vedder          |
| Buell         | Gregory     | Lott       | Sage       | Wells           |
| Burns         | Griffin     | Loughran   | Shepardson | West            |
| Chambers      | Haight      | Lynde      | Simson     | Whitbeck        |
| Cook          | Hawkins     | Mackay     | Smiley     | Whitaker        |
| Couchman      | A. L. Hayes | Marcy      | Smyth      | Woodward        |
| Crandall      | Healy       | Moore      | Sniper     | Woolsey         |
| Davidson      | Herrick     | Morton     | Snyder     | Wyman           |
| Dykeman       | A. Hill     | Moseley    | Speaker    | Yeomans         |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

On motion of Mr. Alvord, at 12 o'clock and 10 minutes, the House adjourned.

## WEDNESDAY, JANUARY 17, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Alderman.

The journal of yesterday was read and approved.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act to legalize and confirm the election of Harrison Clute, as superintendent of the poor of the county of Schenectady," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to amend an act entitled 'An act in relation to stenographers in the circuit courts, courts of oyer and terminer and special terms of the supreme court, in the sixth, seventh and eighth judicial districts,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to incorporate the Association of the Bar of Oneida county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to establish a recorder's court in the city of Utica, and for other purposes,' passed May 7, 1844," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Speaker presented the reply of the Adjutant-General in answer to a resolution of the Assembly passed January 12, 1872, relative to the soldiers of the war of 1812.

On motion of Mr. Alvord, said communication was referred to the committee on ways and means, and ordered printed.

Messrs. Ely, Davidson, D. B. Hill, Fowler and Murdock presented several remonstrances of citizens of various portions of the State against placing the Erie railway under control of a British monopoly; which were read and referred to the committee on railroads.

Mr. Burritt presented a petition of citizens of Monroe county, for increase of traveling fees for jurors; which was read and referred to the committee on the judiciary.

Mr. Geib presented the petition of Henry Bickel, for amendment of the law offering a reward of \$100,000 for the best invention of propelling canal boats by steam; which was read and referred to the committee on canals.

Mr. Carroll presented the petition of John Tyrrell and James Tyrrell for relief for loss of canal boat "Barney Bird," of Verona Landing, in going through the break of the Erie canal at Fairport, in April, 1871; which was read and referred to the committee on claims.

Mr. Judd presented a petition of citizens of Middletown, asking for repeal of the special act passed in 1866, creating a separate road district for Middletown, outside of the village of Edgewater; which was read and referred to the committee on roads and bridges.

Mr. Swain presented resolutions passed by the board of trustees of the



village of Niagara Falls, against a combination on the part of the foreign bond and stockholders of the Atlantic and Great Western Railroad Company with the foreign shareholders of the Erie railroad; which were read and referred to the committee on railroads.

Mr. Smith presented a petition of Levi Campbell and others for a law authorizing the Canal Commissioners to raise a road bed in the town of Kingsbury, Washington county; which was read and referred to the committee on canals.

Mr. G. P. Lord presented a remonstrance against the removal of Yates county poor-house site; which was read and referred to the committee on internal affairs.

Mr. Yeomans presented a petition of the trustees of Red Creek Union Seminary for increase of literature fund; which was read and referred to the committee on ways and means.

Messrs. Campbell, Frear, Twombly, Whitbeck, Blair and Cook presented petitions in favor of amending the charter of the "Beach Pneumatic Company," for an underground railway; which was read and referred to the committee on railroads.

Mr. Alvord, from the committee on ways and means, to which was referred the bill entitled "An act to further amend title 6, of chapter 7, of part 1, of the Revised Statutes, relative to officers and the contingent expenses of the Senate and Assembly," reported a substituted bill in lieu thereof, entitled "An act prescribing the officers and employes that may be elected, appointed or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Alvord moved that said bill be printed at once, and made the special order for to-morrow morning, immediately after reading the journal.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. G. P. Lord, from the committee on public education, to which was referred the bill entitled "An act in relation to filling vacancies in the board of public instruction of the city of Albany," reported in favor of the passage of the same, which report was agreed to and said bill committed to the committee of the whole.

Mr. Loughran, from the committee on public health, to which was referred the bill entitled "An act for the better prevention of the procurement of abortion, and other like offenses, and to amend the laws relative thereto," reported in favor of the passage of the same, with amendments, which report was agreed to and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on affairs of cities, to which was referred the bill entitled "An act to provide for the payment of certain claims against the city and county of New York," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins moved that said bill be printed at once, and made the special order for to-morrow morning, immediately after the special order already made.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Hawkins, from the committee on affairs of cities, to which was referred the bill entitled "An act to amend an act to reorganize the fire department of the city of Albany, passed March 29, 1867," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins moved that the time be indefinitely extended for reporting the following entitled bills:

"An act to provide for the liquidation of the indebtedness of the city and county of New York, as it existed on the 31st day of December, 1871."

"An act conferring power on certain officers of the city of New York, and for providing moneys for the use of said city."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Griffin introduced a bill entitled "An act to repeal so much of chapter 555, section 6, title 3, Laws of 1864, which authorizes the superintendent of public instruction to set apart a certain amount from the income of the United States Deposit Fund as library money," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

Mr. Eastman introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the Young Men's Christian Association of the city of Poughkeepsie,' passed April 12, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Jacobs introduced a bill entitled "An act to amend an act entitled 'An act to widen and improve a portion of Washington avenue, in the city of Brooklyn, and to extend the same into the town of Flatbush,' passed April 23, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Berri introduced a bill entitled "An act to amend an act entitled 'An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government and to incorporate the same,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Burritt introduced a bill entitled "An act to incorporate the Clarkson cemetery," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Pell introduced a bill entitled "An act to amend an act entitled 'An act to renew and amend an act entitled An act relative to the general society of mechanics and tradesmen of the city of New York,' passed April 1, 1856," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trades and manufactures.

Mr. Hawkins introduced a bill entitled "An act to amend an act entitled 'An act in relation to the fees of the sheriff of the city and county of New York, and to the fees of referees in sales in partition cases,' passed May 4, 1869," which was read the first time, and by unanimous



consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to repeal chapter 813 of the Session Laws of 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Whitbeck introduced a bill entitled "An act concerning the appointment of commissioners of deeds and notaries public, and to legalize the acts of such as have removed from one county to another," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to provide better accommodations for passengers on the Third avenue railroad in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Moulton introduced a bill entitled "An act to authorize John T. Mills to run railcars in lieu of stages in New York city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Fort introduced a bill entitled "An act to authorize the city of Oswego to convey by deed certain land in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Judd introduced a bill entitled "An act to repeal an act entitled 'An act to create a separate road district in the town of Middletown, county of Richmond,' passed April 25, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Rose introduced a bill entitled "An act to repeal an act entitled 'An act in relation to the publication of the laws of this State,' passed March 27, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public printing.

Mr. Hollister introduced a bill entitled "An act for the improvement of Sacandaga river," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Mr. Niles introduced a bill entitled "An act to authorize the Manhattan Company to construct railways underground in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act to amend chapter 254 of the Laws of 1867 entitled 'An act in relation to railroads held under lease,' passed April 3, 1867, and to extend the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act to incorporate the 'Mosholu Division No. 208 Sons of Temperance,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Alberger introduced a bill entitled "An act to authorize the city of Buffalo to raise money to extend the supply of water to the city and its inhabitants, and for that purpose to issue bonds," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.



Also, a bill entitled "An act requiring the New York Central and Hudson River Railroad Company to change the names of certain stations upon the line of their railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

On motion of Mr. Loughran,

*Resolved*, That the use of the Assembly chamber be granted to the Military Association of the State of New York this evening for the delivery of their annual address.

On motion of Mr. Bennett,

*Resolved*, That the company operating ferries between the eastern district of Brooklyn and the city of New York, known as the Brooklyn Ferry Company, be required to, at once, furnish this House with a detailed statement of their receipts and expenditures during the years 1870 and 1871, dividends paid, the number and value of boats owned by them, the amount of cash on hand and in banks to their credit from whatever source derived, together with a list of their real estate and its assessed value.

Mr. Speaker presented the following communication :

ROOMS YOUNG MEN'S ASSOCIATION, }  
ALBANY, *January 17, 1872.* }

HON. HENRY SMITH, *Speaker of Assembly :*

SIR.—On behalf of the executive committee of the Young Men's Association of this city, I beg to tender to you and the members and officers of the honorable body over which you preside, an invitation to attend the lecture of the Hon. David A. Wells, on the evening of the 28th instant, at Martin Hall.

Very respectfully, your obedient servant,  
EDW. F. HACKETT, *Vice-Pres't.*

By unanimous consent,

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act in regard to the qualifications of executors of the estate of any deceased persons," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to extend and define the jail liberties of the city and county of Albany," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to affidavits of merits in actions brought in the courts of this State," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to legalize and confirm the election of Harrison Clute as superintendent of the poor of the county of Schenectady," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Alvord moved that the committee on internal affairs be discharged from the further consideration of the Senate bill entitled "An act to

legalize and confirm the election of Harrison Clute as superintendent of the poor of the county of Schenectady," and that the same be referred to the committee of the whole.

Debate was had thereon, when

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 539 of the Laws of 1870, entitled "An act in relation to jurors in the city and county of New York," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to legalize the vote of the town of Mount Morris in the county of Livingston at the town meeting of said town held on the 7th day of March, 1871, by which certain moneys were voted to be paid to the estate of McNeal Seymour, deceased, and to Noble Denison, and authorizing the board of town auditors of said town to audit and allow, and the board of supervisors of said county to levy and collect the same," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Speaker announced the following appointment of reporters, and assigned to them the seats set opposite their respective names:

Myron H. Rooker, Associated Press, front circle, No. 1.

Alexander McBride, Albany Evening Journal, front circle, No. 2.

J. Wesley Smith, Albany Argus, front circle, No. 3.

Stenographer of the Assembly, front circle No. 4.

Charles S. Hunt, New York Tribune, front circle, No. 5.

Hiram Calkins, New York World, front circle, No. 6.

M. J. Kelley, New York Herald, high desk at the left of the Clerk.

John F. Mines, New York Evening Post, next to Mr. Kelley.

Moses Summers, Syracuse Standard, next to Mr. Mines.

T. Dyson, Brooklyn Evening Times, next to Mr. Summers.

Dwight King, New York Evening Express, next to Mr. Dyson.

W. H. Bodwell, New York Sun, next to Mr. King.

Augustus Snow, New York Times, next to Mr. Bodwell, and in a north window.

Mr. Loughran presented the following communication:

*To the Honorable the Speaker of the Assembly:*

We, the undersigned, a committee from the New York State Military Association, respectfully present the following resolution passed by the Association:

"*Resolved*, That a committee of three be appointed to extend, through the Lieutenant-Governor and Speaker of the House, an invitation to the members of the Senate and Assembly to be present at the delivery of the annual address, and to the privileges of the floor during our session."

BRIG.-GEN. DAKIN,

COL. DICKEY,

COL. LOUGHRAN,

*Committee.*

Mr. Speaker presented the annual report of the superintendent of the poor of Orleans county; which was laid on the table and ordered printed.

(See Doc. No. 19.)

On motion of Mr. Moseley, at 11 o'clock and 50 minutes, the House adjourned.

## THURSDAY, JANUARY 18, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Blayney.

The journal of yesterday was read and approved.

A message from the Senate was received and read, informing of concurrence in the passage of the bill entitled as follows:

"An act to legalize the acts of Robert H. Hill, a justice of the peace of the town of Kingston, Ulster county."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Speaker announced that the House would proceed to the consideration of the special order for this hour, being the bill entitled as follows:

"An act prescribing the officers and employes that may be elected, appointed, or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof."

The House then resolved itself into a committee of the whole on the said entitled bill.

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Ely, from said committee, reported in favor of the passage of said mentioned bill, with amendments; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Hawkins moved that the special order for to-day, viz., the bill entitled "An act to provide for the payment of certain claims against the city and county of New York," be made the special order for to-morrow, immediately after reading the journal.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Leave of absence was granted to Mr. Carroll for an indefinite period, and to Mr. Pell until Monday.

On motion of Mr. Alvord, at 2 o'clock and 10 minutes, the House adjourned.

## FRIDAY, JANUARY 19, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Alderman.

The journal of yesterday was read and approved.

Mr. Speaker announced that the first business in order was the consideration of the special order set down for this hour, to wit, the bill entitled "An act to provide for certain claims against the city of New York."

Mr. Smyth, from the committee on engrossed bills, reported as correctly engrossed, the bill entitled as follows:



"An act prescribing the officers and employes that may be elected, appointed, or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof."

By unanimous consent and on motion of Mr. Alvord said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 91 }  
{ NOES 12 }

Those who voted in the affirmative, were

|               |          |             |         |                 |
|---------------|----------|-------------|---------|-----------------|
| Aitken        | Dykeman  | Hawkins     | Lott    | Simson          |
| Alberger      | Eastman  | A. L. Hayes | Lynde   | Smiley          |
| Alvord        | Ely      | J. Hayes    | Mackay  | Smith           |
| D. L. Babcock | Enos     | Healy       | Marcy   | Smyth           |
| Badeau        | Fields   | Herrick     | Moore   | Sniper          |
| Beckwith      | Flammer  | A. Hill     | Morton  | Speaker         |
| Bennett       | Foley    | D. B. Hill  | Moseley | Squires         |
| Blair         | Fort     | Holdridge   | Mosher  | Strahan         |
| E. E. Brown   | Fowler   | Hollister   | Moulton | Tobey           |
| I. D. Brown   | Frear    | Houghton    | Murdock | D. Tomkins      |
| Buckley       | Geib     | Hungerford  | Niles   | M. M. Tompkins  |
| Buell         | Goring   | Jacobs      | Oakley  | Twombly         |
| Burns         | Goss     | Judd        | Osgood  | W. J. Van Dusen |
| Burritt       | Green    | Kennedy     | Peck    | Vedder          |
| Campbell      | Griffin  | Kingsland   | Prince  | Wells           |
| Chamberlain   | Haight   | Knettles    | Ray     | West            |
| Cook          | Hart     | Lewis       | Rice    | Whitbeck        |
| Couchman      | Haughton | G. P. Lord  | Sage    | Wyman           |
| Davidson      |          |             |         |                 |

Those who voted in the negative, were

|               |         |        |            |                 |
|---------------|---------|--------|------------|-----------------|
| I. H. Babcock | Knapp   | Pierce | Rose       | A. L. Van Dusen |
| Berri         | Lincoln | Roche  | Shepardson | White           |
| Gregory       | Lippitt |        |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Speaker presented the following communication :

NEW YORK STATE AGRICULTURAL SOCIETY, }  
ALBANY, *January 17, 1872.* }

The Hon. HENRY SMITH, *Speaker of the Assembly :*

SIR.—By direction of the executive committee I have the honor to request the use of the Assembly chamber for the annual meeting of the State Agricultural Society, on Wednesday, February 14th, at noon, and in the evening of the same day.

I have the honor to be, very respectfully,

Your obedient servant,

T. L. HARISON,

*Cor. Secretary.*

On motion of Mr. Alvord, said request was granted.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows :

"An act to release the interest of the people of the State of New York in and to certain lands in Oneida county, to George A. Reynolds," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the petition of aliens.

"An act to amend an act entitled 'An act to incorporate the Manhattan Dispensary of the city of New York,' passed May 6, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

"An act to amend an act entitled 'An act to amend the act incorporating the village of Plattsburgh,' passed April 13, 1859, passed April 20, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act in relation to filling vacancies in the board of public instruction of the city of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

Mr. Speaker presented a message from His Excellency the Governor, transmitting the annual report of the Lenox library; which was laid on the table and ordered printed.

(See Doc. No. 21.)

Also, the annual report of the commissioners of quarantine for the year 1871; which was laid on the table and ordered printed.

(See Doc. No. 22.)

Also, the annual report of the health officer of the port of New York, for the year ending December 31, 1871; which was laid on the table and ordered printed.

(See Doc. No. 26.)

Leave of absence was granted to Messrs. Crandall and Swain for an indefinite period, and to Mr. Griffin for three days.

The Senate returned the concurrent resolution providing for the joint investigation of alleged abuses in the office of the district attorney of the city and county of New York, by the judiciary committees of the Senate and Assembly, with a message informing that they had non-concurred in the passage of the same.

A message from the Senate was received and read requesting the concurrence of the Assembly with a resolution in the words following, to wit:

*Resolved* (if the Assembly concur), That a respectful message be sent to His Excellency the Governor, requesting the return of the bill entitled "An act to amend an act passed April 26, 1869, entitled 'An act for the election of a receiver of taxes and assessments for the town of Cortlandt and village of Peekskill,'" for the purposes of correction.

By unanimous consent, and on motion of Mr. Alvord, said resolution was concurred in.

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing that the Assembly have passed the same.

The House then resolved itself into a committee of the whole on the special order, being the bill entitled as follows:

"An act to provide for the payment of certain claims against the city and county of New York."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Jacobs, from said committee, reported progress on said mentioned bill, and asked leave to sit again.

The question being upon granting leave,

Mr. Alberger moved to discharge the committee of the whole from the further consideration of said bill, and that the same be ordered to a third reading.

Debate was had thereon, when

Mr. Fields raised the point of order that debate was out of order under rule 38 of the rules of the House.

Mr. Speaker decided the point of order not well taken, as the vote to agree with the report of the committee of the whole had not yet been taken.

Mr. Strahan moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Alberger, and it was determined in the negative.

{ AYES 52 }  
{ NOES 54 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Alberger      | Flammer    | Judd       | Moulton    | Speaker         |
| D. L. Babcock | Foley      | Kennedy    | Niles      | Springsted      |
| I. H. Babcock | Fort       | Lewis      | Osgood     | Strahan         |
| Badeau        | Geib       | Lippitt    | Paige      | D. Tomkins      |
| Beckwith      | Griffin    | G. P. Lord | Prince     | A. L. Van Dusen |
| Berri         | Haight     | Lott       | Rice       | Whitbeck        |
| Burritt       | Haughton   | Lynde      | Shepardson | White           |
| Crandall      | Hawkins    | Marcy      | Simson     | Woodward        |
| Davidson      | D. B. Hill | Morton     | Smith      | Wyman           |
| Eastman       | Hollister  | Mosher     | Snyder     | Yeomans         |
| Enos          | Houghton   |            |            |                 |

Those who voted in the negative, were

|             |             |            |         |                 |
|-------------|-------------|------------|---------|-----------------|
| Abbott      | Dunphy      | A. Hill    | Mackay  | Smiley          |
| Aitken      | Dykeman     | Holdridge  | Moore   | Sniper          |
| Alvord      | Fowler      | Hungerford | Moseley | Squires         |
| Bennett     | Goring      | Husted     | Murdock | Tobey           |
| Blair       | Goss        | Jacobs     | Oakley  | Twombly         |
| I. D. Brown | Green       | Kingsland  | Pierce  | W. J. Van Dusen |
| Buell       | Gregory     | Knapp      | Preston | Vedder          |
| Burns       | Hart        | Knettles   | Ray     | Wells           |
| Campbell    | A. L. Hayes | Lincoln    | Roche   | West            |
| Cook        | Healy       | G. D. Lord | Rose    | Whitaker        |
| Couchman    | Herrick     | Loughran   | Sage    |                 |

Pending the call, Mr. I. D. Brown asked to be excused from voting.

Mr. Speaker put the question whether the House would agree to said motion to excuse, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the report of the committee of the whole, and it was determined in the affirmative.

Mr. Alvord moved that said bill be made a special order for Monday evening next at 7½ o'clock, and that the final vote taken in the committee of the whole on said bill be taken at 8 o'clock of the same evening, and that should the House not adjourn to that hour, that a session be held at such day and hour for the consideration of said bill.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Alvord moved to lay all orders of business upon the table down to reports of standing committees.



Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Alberger moved to adjourn.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Alberger, from the committee on commerce and navigation, to which was referred the bill entitled "An act to regulate a ferry between the cities of New York and Brooklyn," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Bennett, from the committee on commerce and navigation, to which was referred the bill entitled, "An act to regulate the ferries running from the foot of Tenth street and Twenty-third street, in the city of New York, across the East river to Greenpoint, in the city of Brooklyn," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to authorize the railroad commissioners of the town of Lowville, in Lewis county, to issue bonds on said town in place of others now falling due, and otherwise amending chapter 426 of the Laws of 1866," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Squires, from the committee on banks, to which was referred the bill entitled "An act to incorporate the College Point Savings Bank," reported adversely thereto, for the reason that said bill has not been introduced in the manner provided by the provisions of an act entitled "An act to regulate and restrict the organization of savings banks and institutions for savings," passed April 16, 1869, and that the provisions of said act in relation to its introduction have not been complied with.

The question being upon agreeing with said report,

On motion of Prince, said report was laid upon the table.

Mr. Squires, from the committee on banks, to which was referred the bill entitled "An act to incorporate the Marlborough Savings Bank in the county of Ulster," reported adversely thereto, for the reason that said bill has not been introduced in the manner provided by the provisions of an act entitled "An act to regulate and restrict the organization of savings banks and institutions for savings," passed April 16, 1869, and that the provisions of said act in relation to its introduction have not been complied with.

Mr. Squires, from the committee on banks, to which was referred the bill entitled "An act to incorporate the Cayuga County Savings Bank," reported adversely thereto, for the reason that said bill has not been introduced in the manner provided by the provisions of an act entitled "An act to regulate and restrict the organization of savings banks and institutions for savings," passed April 16, 1869, and that the provisions of said act in relation to its introduction have not been complied with.

Mr. Squires, from the committee on banks, to which was referred the bill entitled "An act to incorporate the Whitestone Savings Bank," reported adversely thereto, for the reason that said bill has not been introduced in the manner provided by the provisions of an act entitled "An act to regulate and restrict the organization of savings banks and

institutions for savings," passed April 16, 1869, and that the provisions of said act in relation to its introduction have not been complied with.

Mr. Squires, from the committee on banks, to which was referred the bill entitled "An act to incorporate the Newtown Savings Bank in Newtown, Queens county," reported adversely thereto, for the reason that said bill has not been introduced in the manner provided by the provisions of an act entitled "An act to regulate and restrict the organization of savings banks and institutions for savings," passed April 16, 1869, and that the provisions of said act in relation to its introduction have not been complied with.

Mr. Squires, from the committee on banks, to which was referred the bill entitled "An act to incorporate the Warwarsing Savings Bank," reported adversely thereto, for the reason that said bill has not been introduced in the manner provided by the provisions of an act entitled "An act to regulate and restrict the organization of savings banks and institutions for savings," passed April 16, 1869, and that the provisions of said act in relation to its introduction have not been complied with.

Mr. Squires, from the committee on banks, to which was referred the bill entitled "An act to incorporate the Walden Savings Bank," reported adversely thereto, for the reason that said bill has not been introduced in the manner provided by the provisions of an act entitled "An act to regulate and restrict the organization of savings banks and institutions for savings," passed April 16, 1869, and that the provisions of said act in relation to its introduction have not been complied with.

Mr. Squires, from the committee on banks, to which was referred the bill entitled "An act to incorporate the Port Richmond Savings Bank," reported adversely thereto, for the reason that said bill has not been introduced in the manner provided by the provisions of an act entitled "An act to regulate and restrict the organization of savings banks and institutions for savings," passed April 16, 1869, and that the provisions of said act in relation to its introduction have not been complied with.

Mr. Squires, from the committee on banks, to which was referred the bill entitled "An act to incorporate the Long Island City Savings Bank in Long Island City," reported adversely thereto, for the reason that said bill has not been introduced in the manner provided by the provisions of an act entitled "An act to regulate and restrict the organization of savings banks and institutions for savings," passed April 16, 1869, and that the provisions of said act in relation to its introduction have not been complied with.

The question being upon agreeing with the eight foregoing reports last named,

By unanimous consent, the question upon agreeing to said report upon each bill was laid on the table.

Mr. Squires, from the committee on banks, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Port Chester Savings Bank,' passed March 14, 1865," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. G. P. Lord, from the committee on public education, presented the annual report of the Superintendent of Public Instruction and the Regents of the University; which was laid on the table and ordered printed.

(See Doc. No. 24.)

Mr. G. P. Lord offered for the consideration of the House a resolution, in the words following, to wit :



*Resolved*, That 1,500 extra copies of the report of the executive committee of the Normal School be printed for the use of the committee and school.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. G. P. Lord, from the committee on public education, to which was referred the bill entitled "An act to provide for the formation of free public libraries," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to repeal section 43, of chapter 721, of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871," reported in favor of the passage of the same with amendments; which report was agreed to and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to repeal section 27, of chapter 721, of the Laws of 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to amend an act entitled 'An act to extend the powers of boards of supervisors, except in the counties of New York and Kings,' passed May 11, 1869," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to incorporate the Lockport Driving Park Association," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to increase the duties of clerks of boards of supervisors," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to provide for the joint purchase of a steam fire-engine in the villages of Tonawanda, Erie county, and North Tonawanda, Niagara county, and for the more effectual protection of said villages against fire," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on affairs of cities, to which was referred the bill entitled "An act to amend 'An act to widen Washington avenue, in the city of Brooklyn, and extend the same into the town of Flatbush,' passed April 23, 1870," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Smiley, from the committee on public printing, to which was referred the resolution to print extra copies of the Governor's message, reported in favor of the adoption of the following resolution:



*Resolved*, That 2,500 copies of the Governor's message be printed for the use of the Governor, of which 250 copies shall be bound in cloth.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Prince, from the committee on the judiciary, to which was referred the petition of citizens of Monroe county, for increase of traveling fees for jurors," reported adversely thereto; which report was agreed to.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to establish a court of special sessions in and for the city of Albany, and to confer further judicial powers upon the recorder of said city," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to amend section 2 of chapter 545 of the Laws of 1865, in relation to the jurisdiction of justice of the peace of the village of Canton," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act relating to the settling, signing and sealing of bills of exceptions in criminal cases," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act concerning the appointment of commissioners of deeds and notaries public, and to legalize the acts of such as have removed from one county to another," reported in favor of the passage of the same with amendments, and the title amended so as to read as follows: "An act concerning the appointment of notaries public, and to legalize the acts of such as have removed from one county to another;" which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 539 of the Laws of 1870, entitled 'An act in relation to jurors in the city and county of New York,' passed May 21, 1870," reported adversely thereto; which report was agreed to.

Mr. Prince, from the committee on the judiciary, to which was referred the Senate bill entitled "An act to amend an act entitled 'An act to establish a recorders' court in the city of Utica, and for other purposes,' passed May 7, 1844," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the Senate bill entitled "An act to incorporate the Association of the Bar of Oneida county," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Alvord moved that the bill entitled "An act relating to appropriations and deficiencies in the city and county of New York," be ordered printed immediately.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

On motion of Mr. Alvord, at 2 o'clock and 30 minutes, the House adjourned.

## SATURDAY, JANUARY 20, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Blayney.

The journal of yesterday was read and approved.

Leave of absence was granted, for an indefinite period, to Messrs. Badeau, Burns, Chamberlain, Flammer and Woolsey.

Mr. Strahan rose to a question of privilege and moved that the roll of members be called, and that the names of members not present and unexcused be entered upon the journal, and on that motion moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

The roll was then called, and the members hereinafter mentioned answered to their names.

## PRESENT 72.

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Green      | Lippitt    | Pierce     | Squires         |
| Aitken        | Gregory    | G. P. Lord | Preston    | Strahan         |
| Alberger      | Hart       | Lott       | Prince     | Tobey           |
| Alvord        | Hawkins    | Loughran   | Ray        | D. Tomkins      |
| D. L. Babcock | A. Hill    | Lynde      | Rice       | Twombly         |
| Beckwith      | Holdridge  | Mackay     | Rose       | A. L. Van Dusen |
| Bennett       | Hollister  | Marcy      | Sage       | W. J. Van Dusen |
| Berri         | Houghton   | Moore      | Shepardson | Vedder          |
| I. D. Brown   | Hungerford | Mosher     | Simson     | Wells           |
| Burritt       | Husted     | Moulton    | Smiley     | White           |
| Couchman      | Kennedy    | Murdock    | Smith      | Whitaker        |
| Davidson      | Knapp      | Niles      | Sniper     | Woodward        |
| Dykeman       | Knettles   | Oakley     | Snyder     | Wyman           |
| Fort          | Lewis      | Osgood     | Speaker    | Yeomans         |
| Goss          | Lincoln    |            |            |                 |

Those hereinafter named were found to be absent without leave.

|               |         |             |            |                |
|---------------|---------|-------------|------------|----------------|
| I. H. Babcock | Dunphy  | Greenhalgh  | Jacobs     | Roche          |
| Bemus         | Eastman | Haight      | Judd       | Smyth          |
| Blair         | Ely     | Haughton    | Kingsland  | Springsted     |
| E. E. Brown   | Enos    | A. L. Hayes | G. D. Lord | Tilden         |
| Buckley       | Fields  | J. Hayes    | Morton     | M. M. Tompkins |
| Buell         | Foley   | Healy       | Moseley    | Tucker         |
| Campbell      | Fowler  | Herrick     | Paige      | Whitbeck       |
| Chambers      | Frear   | D. B. Hill  | Peck       | Wiley          |
| Cook          | Goring  | Hyatt       |            |                |

When the name of Mr. Hyatt was called, Mr. Lippitt arose and stated that he was confined to his room by illness.

When the name of Mr. I. H. Babcock was called, Mr. Tobey arose and stated that Mr. Babcock was suddenly called away by reason of illness in his family.

On motion of Mr. I. D. Brown, leave of absence was granted Mr. Hyatt for an indefinite period.

Mr. Loughran asked leave of absence for Mr. E. E. Brown until Tuesday next.

Mr. Speaker put the question whether the House would agree to said motion to excuse, and it was determined in the negative.

Mr. Holdridge presented a petition of Hiram Austin and others, of the town of Dayton, Cattaraugus county, to have the highway laws changed, so that old men may not be required to work a poll-tax; which was read and referred to the committee on roads and bridges.

Mr. Moulton presented a petition of O. Palmer and twenty-two others, residents of New York and patrons of the Third Avenue Railroad Company, that permission be granted to run palace or drawing-room cars on said railroad; which was read and referred to the committee on railroads.

Also, a petition in the matter of the application of Henry Eisner, of the city of New York, to the Legislature of the State of New York for the release of lands in Sullivan county, State of New York, escheated to the State; which was read and referred to the committee on the petitions of aliens.

Mr. Houghton presented a petition of C. Murdock and seventy others for changing the name of free school district No. 1, in the town of Moreau, Saratoga county, to district No. 10; which was read and referred to the committee on public education.

Mr. G. P. Lord presented a remonstrance of tax-payers of Yates county against the removal of the poor-house site in said county; which was read and referred to the committee on internal affairs.

Mr. Sage presented a petition of a majority of the board of supervisors of the county of Oswego to repeal (an act entitled "An act to provide and maintain the bridges on Oneida, Oswego, and Salmon rivers, in Oswego county,") chapter 808 of Laws of 1870; which was read and referred to the committee on roads and bridges.

Mr. G. W. L. Smith presented a petition of I. H. Smalley and others for a law authorizing the Canal Commissioners to raise the road-bed in the town of Kingsbury, Washington county; which was read and referred to the committee on canals.

Mr. Marey presented a remonstrance of the property owners of Greenport, Suffolk county, against a bill amending the charter of said village; which was read and referred to the committee on the affairs of villages.

Mr. Alvord presented a petition of S. D. Johnston and fifty-four others, inhabitants of Clayton, Jefferson county, for an amendment of the game laws, so as to prohibit the taking of fish in the River St. Lawrence, excepting by hook and line; which was read and referred to the committee on internal affairs.

Mr. D. Tomkins presented a petition of Thomas P. Burd, praying that the Legislature will pass a prize lottery law in the interest of those that suffered at Chicago by the late fire; which was read and referred to the committee on the judiciary.

Mr. Squires presented a petition of Miss Sally Bonney, of Cortland, for payment to her of money due to Jethro Bonney, for services in the war of 1812 with Great Britain; which was read and referred to the committee on ways and means.

Mr. Sniper presented a petition of citizens of Manlius, Onondaga county, asking for the passage of an act to authorize the election of five justices of the peace in said town; which was read and referred to the committee on the judiciary.

Mr. Rice presented a petition of citizens of Little Falls, Herkimer county, asking for the incorporation of a Water-works Company in said village; which was read and referred to the committee on internal affairs.

Messrs. D. Tomkins, Abbott and Davidson presented several remonstrances of citizens, from various portions of the State, against placing



the Erie railway under British monopoly; which was read and referred to the committee on railroads.

Messrs. Ray, Oakley and Lincoln presented three several petitions in favor of the Beach Pneumatic Underground railway; which was read and referred to the committee on railroads.

Messrs. Osgood, Preston, Marcy, Lippitt and Squires presented five several petitions for increase of appropriations to academies and schools from literary fund; which was read and referred to the committee on ways and means.

Mr. Preston introduced a bill entitled "An act to authorize the village of Silver Creek, in the county of Chautauqua, to purchase, hold, use and convey certain real estate, and to legalize proceedings relative thereto," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. I. D. Brown introduced a bill entitled "An act to amend an act entitled 'An act requiring the highway tax of the New York Central Railroad Company, through the town of Metz, to be applied to the repairs of certain highways in the said town,' passed April 2, 1862," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Rice introduced a bill entitled "An act to incorporate the Little Falls Water-works Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Berri introduced a bill entitled "An act to authorize the Brooklyn City Railroad Company to extend their road along Putnam and Nostrand avenues and Halsey street to Broadway, in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Goss introduced a bill entitled "An act to authorize the board of education of district No. 9, in the town of Perinton to construct a school building and provide means for payment thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

Mr. Mackay introduced a bill entitled "An act to amend the certificate of incorporation or charter of the Midnight Mission," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Twombly introduced a bill entitled "An act to incorporate the United States Loan and Security Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Mr. Hawkins introduced a bill entitled "An act relative to lands held in trust by Harry G. Moore for the benefit of Nehemiah Denton and his descendants," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Moulton introduced a bill entitled "An act to release the interest of the people of the State of New York in and to certain lands in Sullivan county to Henry Eisner," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on petitions of aliens.

Mr. Hungerford introduced a bill entitled "An act to establish the tenth ward in the city of Utica," which was read the first time, and

by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Alvord introduced a bill entitled "An act providing for additional compensation to deputies, clerks and assistants in the various departments of the State government," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Mr. Sage introduced a bill entitled "An act to repeal chapter 808, of the Laws of 1870, entitled 'An act to maintain the bridges over Oneida, Oswego and Salmon rivers in Oswego county,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Prince introduced a bill entitled "An act to authorize the election of a police justice in and for the village of Flushing, Queens county, and to prescribe his duties and compensation, and regulating charges in criminal proceedings in said village," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act relating to corporations," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to provide for the payment of certain officers and employes of the Senate and Assembly for their services," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Also, a bill entitled "An act to authorize the trustees of the village of Flushing to issue bonds and raise money for the purchase of a steam fire-engine, and for the mapping and establishment of lines and grades for the streets and public places in said village," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Osgood introduced a bill entitled "An act to amend an act passed May 3, 1870, entitled 'An act to amend an act to incorporate the city of Troy, passed April 12, 1816,' and the several acts amendatory thereof relating to the city of Troy," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Houghton introduced a bill entitled "An act to authorize union free school district No. 1, town of Moreau, Saratoga county, to change its organization to school district No. 10," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

Mr. Woodward introduced a bill entitled "An act in relation to non-resident highway taxes upon certain lands in the counties of Hamilton and Warren," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Also, a bill entitled "An act to renew an act passed May 9, 1868, entitled 'An act to amend section 3 of chapter 817 of the Laws of 1866, entitled 'An act to lay out and construct a road from the River road in township No. 14, in the town of Johnsburgh, to the Carthage road, near the head of Long lake, in the county of Hamilton.' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.



Mr. Wells introduced a bill entitled "An act to authorize the trustees of the village of Clyde, Wayne county, to raise by tax the sum of twelve hundred dollars, wherewith to pay the indebtedness existing against said village," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Niles introduced a bill entitled "An act to authorize the construction of certain railroads in the city and county of New York, and across the Harlem river," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act in relation to the district courts in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to enable aliens to hold and convey real estate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the petitions of aliens.

Also, a bill entitled "An act amending 'An act for the protection of purchasers of real estate upon sales made by order of surrogates,' passed March 23, 1850," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Strahan introduced a bill entitled "An act to prevent speculation of directors, trustees and officers of corporations in the capital stock of such corporations," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Speaker introduced a bill entitled "An act supplementary to and amendatory of 'An act in relation to a public park in the city of Albany,' passed May 5, 1869, and the acts supplementary to and amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

On motion of Mr. Loughran,

*Resolved*, That the use of the Assembly chamber be granted to the New York State Medical Society for the evening of February 7th, for the purpose of delivering the annual address.

On motion of Mr. Twombly,

*Resolved*, That the use of the Assembly chamber be granted on Wednesday evening next to the Eclectic Medical Society of the State of New York, on the occasion of its annual meeting.

On motion of Mr. Fort,

*Resolved*, That the Auditor of the Canal Department furnish to this House, within ten days after the passage of this resolution, a full and complete statement of all the facts in his office relating to improvement of the Oneida Lake canal, stating the amount of the engineer's estimate for said improvement, to whom the contract was let, and the amount at which it was taken, and whether the contract was for the entire work or only for part, and who were the bondsmen for the completion of the contract, how much money has been paid to the contractor, and also whether the work has been completed, and if not, how much money will be



required for its completion, together with all other information in his possession relating to said work.

By unanimous consent, and on motion of Mr. Fort,

*Resolved* (if the Senate concur), That a committee of five be appointed, on the part of this House, to confer with a like committee of the Senate, to apportion and divide the Congressional districts of this State, under the census of 1870.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

On motion of Mr. Strahan,

*Resolved*, That the committee on privileges and elections be authorized to send for persons and papers in the matter of the contested election pending before said committee, in which Frederick Kilian is contestant for the seat now occupied by Hon. Alexander Frear; and that such committee be authorized to sit in the city of New York, to hear such argument and take such testimony as may be offered in the case.

On motion of Mr. Strahan,

*Resolved*, That the committee on privileges and elections be authorized, under the direction of the Clerk, to have printed twenty-five copies each of the amended petition of the contestant and the answer thereto of the respondent, in the contested case of Kilian against Frear, for the use of members of the committee and counsel.

Mr. Husted offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That 2,500 copies of the Comptroller's report be printed; 2,000 for the use of the Assembly, and 500 for the use of the Comptroller.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Alvord offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the standing committee on ways and means of this House be authorized and required to examine into and report in regard to the matter of Legislative and department printing during the period the same has been performed by contract given to the lowest bidder, and the way and manner of letting such contracts, and that they particularly enquire into the printing of legislative documents, as to the power and right of the contractor to make duplicate charges for extra printing, and also to examine and report in relation to the printing for the Clerks of the Senate and Assembly, and to include in such examination all lithographing and mapping; said committee are hereby authorized to send for persons and papers necessary for such examination.

Said resolution giving rise to debate,

*Ordered*, That the same be laid on the table.

On motion of Mr. Twombly,

*Resolved*, That 2,500 copies of the annual report of the New York Institution for the Instruction of the Deaf and Dumb, be printed under the direction of the Clerk of the House, for the use of the trustees of that institution, and 1,000 copies for distribution by the Superintendent of Public Instruction.

Mr. Bennett moved that the House adjourn until Monday evening at 7½ o'clock.

Said motion giving rise to debate,

*Ordered*, That the same be laid on the table.

The House then resolved itself into a committee of the whole on the bills entitled as follows :

"An act in regard to the qualification of executors of the estate of any deceased person."

"An act in relation to filling vacancies in the board of public instruction of the city of Albany."

"An act for the better prevention of the procurement of abortions and other like offenses, and to amend the laws relative thereto."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Alvord, from said committee, reported in favor of the passage of said bills ; which report was agreed to, and said bills ordered engrossed for a third reading.

The House again resolved itself into a committee of the whole on the bills entitled as follows :

"An act to extend and define the jail liberties of the city and county of Albany."

"An act in relation to affidavits of merits in actions brought in the courts of this State."

"An act to amend chapter 539 of the Laws of 1870, entitled 'An act in relation to jurors in the city and county of New York.'"

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Loughran, from said committee, reported in favor of the passage of said first mentioned bill ; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Loughran, from said committee, also reported progress on said second and third mentioned bills, and asked and obtained leave to sit again.

On motion of Mr. Fort, the bill entitled "An act in regard to the qualification of executors of the estate of any deceased person," was recommitted to the committee of the whole.

The House again resolved itself into a committee of the whole on the bills entitled as follows :

"An act in regard to the qualification of executors of the estate of any deceased person."

"An act to legalize and confirm the election of Harrison Clute, as superintendent of the poor of the county of Schenectady."

"An act to legalize the vote of the town of Mt. Morris, in the county of Livingston, at the town meeting of said town, held on the 7th day of March, 1871, by which certain moneys were voted to be paid to the estate of McNeil Seymour, deceased, and to Noble Denison, and authorizing the board of town auditors of said town to audit and allow, and the board of supervisors of said county to levy and collect the same."

And after some time spent therein Mr. Speaker resumed the chair, and Mr. Mackay, from said committee, reported progress on the first mentioned bill, and asked and obtained leave to sit again.

Mr. Mackay, from said committee, also reported in favor of the passage of said second mentioned bill, with amendments ; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Mackay, from said committee, also reported in favor of the passage of said third mentioned bill, with an amendment ; which report was agreed to, and said bill ordered engrossed for a third reading.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows :

"An act providing for appeals from the decisions of county superintendents of the poor," which was read the first time, and by unanimous

consent was also read the second time, and referred to the committee on the judiciary.

"An act extending the provisions of certain laws permitting municipal corporations to aid in the construction of railroads, to the towns of Salina and Clay and the village of Liverpool, in the county of Onondaga," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Speaker presented a communication from the park commissioners of the city of Brooklyn, in answer to the resolution of Mr. Jacobs of January 16th, 1872, relative to certain assessments; which was read and referred to the committee on the affairs of cities.

Mr. Speaker announced the following appointments of the Clerk :

*Assistant Clerk*—Samuel P. Allen, of Chenango.

*Journal Clerk*—Edward M. Johnson, of Steuben.

*Deputy Clerks*—William H. Barker, of Kings; John G. Dunn, of Onondaga.

Mr. Loughran moved that the House do now adjourn until Monday evening at 7½ o'clock.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Mackay moved to adjourn.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

{ AYES 41 }  
{ NOES 17 }

Those who voted in the affirmative, were

|             |           |            |            |                 |
|-------------|-----------|------------|------------|-----------------|
| Abbott      | Hart      | G. P. Lord | Pierce     | Squires         |
| Alberger    | Hawkins   | Lott       | Preston    | Strahan         |
| Alvord      | A. Hill   | Lynde      | Rose       | D. Tomkins      |
| I. D. Brown | Holdridge | Mackay     | Shepardson | Twombly         |
| Burritt     | Houghton  | Moore      | Simson     | A. L. Van Dusen |
| Davidson    | Kennedy   | Moulton    | Smiley     | Vedder          |
| Dykeman     | Knetties  | Murdock    | Sniper     | Whitaker        |
| Goss        | Lincoln   | Osgood     | Speaker    | Woodward        |
| Gregory     |           |            |            |                 |

Those who voted in the negative, were

|           |          |        |        |       |
|-----------|----------|--------|--------|-------|
| Aitken    | Husted   | Marcy  | Oakley | Smith |
| Bennett   | Knapp    | Mosher | Prince | Wells |
| Fort      | Lippitt  | Niles  | Ray    | White |
| Hollister | Loughran |        |        |       |

Mr. Speaker thereupon, at 1 o'clock and 20 minutes, declared the House adjourned.

## MONDAY, JANUARY 22, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Bridgeman.

The journal of Saturday, was read and approved.

Mr. Husted rose to a question of privilege, and addressed the House thereon, as follows:

MR. SPEAKER.—I rise to a question of privilege. While I do not believe that the floor of this Chamber is the proper place for any gentle-



man to ventilate his private griefs, or seek redress for what he deems his private wrongs, yet the circumstances of the present case seem to present no other alternative.

On the 30th day of December last, the New York Times published an article reflecting upon my character as a man. This article appearing before the organization of the House, I felt that it was not a fit topic to discuss here subsequent to that organization.

On the 3d day of January, a derogatory allusion was again made bearing upon the same subject. At that time I was confined to my room by illness, and was unable to reply.

On Saturday last a direct imputation was hurled against me in the editorial columns of the same journal. To that article, couched in terms demanding a response, I now propose to reply, and I propose in so doing, to vindicate as far as in me lies my personal honor. I take this course, sir, for one reason and one reason only. A leading journal of our party, which has been active in the cause of reform, to which we are all pledged, has made statements which if allowed to pass unheeded by me would undoubtedly prejudice against me even the fairest and most impartial minds. Therefore, sir, a due regard for the good opinion of the public, and especially for that of my fellow-members upon this floor, compels me to make what, under other circumstances, I should regard as ill-timed and highly improper, viz., a statement of my private affairs. The article is incorrect in many particulars, and was either inspired by pure malice, and written at the instigation of some personal enemy who had not the manliness nor the courage to appear under his own signature, or it was based upon information which had no foundation in truth. The article is as follows:

"While the Legislature is in the humor for investigating charges of corruption against its members, would it not be well to institute an inquiry into the connection of Mr. Husted, of Westchester, with that mythical concern known at the Peekskill Gravel Company? A gravel company that did not possess a single gravel pit, was somewhat of a curiosity; but the peculiarities of the Peekskill concern did not end here. As we have already pointed out, this company, of which Husted and 'Alek' Frear were the chiefs, was constituted for the sole purpose of supplying the late park commission with the same gravel for which their predecessors paid \$2.60 per cubic yard, at the advanced price of \$3.80. In other words, with the consent of Hilton, Sweeney and Fields, the proprietor of the gravel-pit at Peekskill ceased to deal directly with the park commissioners, but sold his gravel to Husted, Frear & Co. at \$2.60, while they supplied it to the city at a modest advance of fifty per cent. By this little transaction the tax-payers were swindled out of some \$33,000, and as Mr. Husted has volunteered no explanation on his share in the fraud, the Legislature and the public have the alternative of branding him as dishonest, or of requesting him to vindicate himself."

The facts are these: About the time that the Central park was first laid out, a bank composed of ground of a very superior quality for road making was opened at Roa Hook, near the village of Peekskill, from which to the present time the Central park and the Prospect park have been supplied. A few years later other banks on the opposite side of the river, of the same general characteristics, were opened, and between the lessees of these different deposits an active rivalry sprang up. In the year 1870, in connection with other gentlemen, I organized the Hudson River Gravel Company, which thereupon entered into competition against

all others. Very soon after the organization of the company, the different parties in interest, finding that rivalry rendered their business profitless to all, and being without the capital necessary to make a successful contest, entered into the service of the company, which thereupon supplied the city of New York at the same prices that had ruled for several years. At the close of the season an examination of the books showed that the company had lost money, there being less than \$1,200 in the treasury, an amount insufficient to pay the salaries of the officers of the company, which was thereupon dissolved by mutual consent, and has never since conducted its business.

In the winter of 1871, I determined, if possible, to make the business successful. I leased, in connection with Mr. Frear, the Roa Hook bank, at a rental of \$10,000 a year, and I also secured sub-leases of all the banks lying on Peekskill bay, which produced a similar quality of gravel. We thereupon, under the title of the Peekskill Gravel Company, offered our goods in the open market at a fixed price, viz., \$3.50 per yard, delivered at any point on the Central Park, in the city of New York, and at proportionate prices delivered at any other points. The Commissioners of the Central Park sought to purchase from us at the old price. We declined to sell; we determined to have a profit on our goods or abandon the business. Finding our terms to be absolute, after some delay and after repeated efforts to purchase at a lower price, the department sent us a requisition at the price named, and so continued to do, as they from time to time needed material. Subsequently desiring screened gravel, they demanded our terms for that. We ascertained the extra expense to be thirty cents a yard, and we offered to supply the department at that extra charge. From this difference in price we received no benefit, the additional amount being paid by us to the party who did the work. Such is the brief and plain, but correct statement of this whole matter. If it differs in any way from an honorable and straightforward business transaction, I must confess my ignorance of the rules that obtain in the business community.

As to the gratuitous, false, and unwarranted assumption that any arrangement was ever made or entertained as between the parties in interest and any of the officials in any way connected with the department of public parks, I have only to say that for such a charge there is not the slightest foundation. On the contrary, as I was informed by our superintendent, the department made searching inquiry and earnest efforts to obtain a similar quality of gravel from other parties, and it was not until they ascertained that none other could be obtained that they acceded to our terms. So persistent was that determination to procure material from other quarters, if possible, that they refused to make any contract for any specified amount, and sent their special requisitions only from time to time as their necessities demanded.

In conclusion, sir, as to myself, I have only to say that I never exchanged a word with either of the commissioners, or with any of the employes of the department relative to the business. The superintendents of the company, who are honorable and honest men, attended to all of the details, and had the sole charge and management of the books, and the accounts, which were always kept in perfect order, and which, of themselves, by a comparison with the records of the department will show most exclusively that any charge of fraud, direct or constructive, is untrue in fact and unsupported by evidence.

As to the immense profits that are reported to have been made, I state



here unqualifiedly that since my connection with the business the profits have not exceeded ten per cent on the gross receipts, and this fact the books of the company will also show. In deference to public opinion and the good opinion of my associates in this Legislature, I have given this explanation; and now, sir, if it shall appear to any gentleman on this floor, after what I have said, that my vindication is not full, satisfactory, and complete, I shall be only too glad to have such proceedings instituted by this body as will enable me to sustain by documentary and parol evidence the correctness of my position, and the truthfulness of my statements.

Mr. Hawkins rose to explain, and said:

Mr. Speaker.—I desire to make a personal explanation in relation to some of the gentleman's remarks. I suppose, perhaps, that there is no one on the floor of this House who is better acquainted with the circumstances under which those articles were written in that leading journal than myself, although I had nothing to do with them, nothing to do with the writing of them, nothing to do in relation to obtaining the information upon which they were founded. I know positively that the information that was derived by the writer of those articles came directly from the office of the Central Park Commission, after Judge Hilton had left the presidency of that commission.

The facts, as I understand them, are simply these. The statement of facts came from the Central Park office, and, the Central Park office is responsible for these facts or these falsehoods whichever they may be. I believe the articles were sincerely written in the interest of reform, and were not inspired by any personal spite or malice. They were printed by the proprietor of the New York Times precisely as another article would have been printed in the interest of reform that had been presented to his favor by a responsible man. That was the case in relation to these articles. I know positively there was no malice in it. They were inspired from a proper feeling of the responsibility of the position which the proprietor of that journal feels that he holds toward the public, and, I know, for the purpose of ventilating not only other abuses but this one at the same time, going for republicans, in other words to use a well known phrase, as well as for the democracy engaged in committing these frauds upon the public.

The facts I understand to be simply these: That a man by the name of Ryder, residing, I think, in the same district with the member who has just spoken, had furnished to the Central Park Commissioners, from the date of its organization up to the time it passed into the hands of the new Tammany Hall Commission, as we call it in New York; for \$2.40, pretty soon after the new commissioners had taken charge, and Collector Stebbins and Mr. Green and the other gentlemen had gone out of the management. While Mr. Green remained there he never was consulted, and he hardly ever saw the inside of the offices of the Park Board, and had very little to do with their affairs, in fact was snubbed upon every occasion. Very soon after the new commissioners came into power they passed a resolution, without giving any authority at all for it as I understand it, authorizing a contract or purchase of the new company to which the member has just referred, and the price under the new arrangement for supplies.

Mr. Alvord rose to a point of order, and said: The gentleman from the Eleventh district of New York is not speaking to a question of privilege unless he affirms the truth of the article, and then I will not undertake to



interfere with him, or that he does not believe the statement of the gentleman from Westchester (Mr. Husted), and intends to move for a committee of investigation.

The Speaker: The Chair is of the opinion that the question of privilege belongs to each member as a question of right, and the subject is not debatable. The gentleman from New York is not in order unless he rises to a question of privilege.

Mr. Hawkins: I will rise to that question for the purpose of explaining, not an insinuation, not an attack, but as to the aspersion upon a gentleman who cannot answer upon this floor.

Mr. Alvord: I insist upon my point of order that the question of privilege must be personal to the individual.

The Speaker decided the point of order well taken.

Mr. A. L. Van Dusen, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act in relation to filling vacancies in the board of public instruction of the city of Albany."

"An act for the better prevention of the procurement of abortions and other like offenses, and to amend the laws relative thereto."

"An act to extend and define the jail liberties of the city and county of Albany."

"An act to legalize and confirm the election of Harrison Clute, as superintendent of the poor of the county of Schenectady."

"An act to legalize the vote of the town of Mount Morris in the county of Livingston, at the town meeting of said town, held on the 7th day of March, 1871, by which certain moneys were voted to be paid to the estate of McNeil Seymour, deceased, and to Noble Denison, and authorizing the board of town auditors of said town to audit and allow, and the board of supervisors of said county to levy and collect the same."

Mr. D. L. Babcock presented the petition of T. T. Murphy, in regard to the prize for the propulsion of boats on the canals; which was read and referred to the committee on canals.

Mr. Blair presented a petition in favor of the Pneumatic Underground railway; which was read and referred to the committee on railroads.

Mr. Foley presented a petition of residents of New York and patrons of the Third Avenue Railroad Company, for permission to place and run palace or drawing-room cars on said railroad; which was read and referred to the committee on railroads.

Mr. Judd presented a petition to amend the charter of the village of New Brighton; which was read and referred to the committee on the affairs of villages.

Mr. D. L. Babcock presented a petition of inhabitants and tax-payers of the city of Albany, relative to the assessing and collecting of taxes on mortgages; which was read and referred to the committee on the judiciary.

The order of business of third reading of bills being announced, On motion of Mr. Alvord, said order of business was laid upon the table.

Mr. Vedder introduced a bill entitled "An act to extend the time for beginning the construction of the road of the Cattaraugus Railway Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. I. D. Brown introduced a bill entitled "An act to authorize the construction of a street railroad in the city of Auburn, and thence upon the eastern side of the Owasco river to the Owasco lake," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Alberger introduced a bill entitled "An act to authorize the Canal Commissioners to construct a bridge over the Erie canal at Austin street, in the city of Buffalo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. A. Hill introduced a bill entitled "An act to authorize moneys belonging to infants arising from judicial and legal sales, and recoveries to be paid to general guardians on giving security," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Sniper introduced a bill entitled "An act to authorize the election of an additional justice of the peace in the town of Manlius, in the county of Onondaga," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Judd introduced a bill entitled "An act to amend an act entitled 'An act to prevent the unlawful taking of oysters planted within the waters of the State of New York,' passed April 21, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Niles introduced a bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to public schools in the town of Morrisania, in the county of Westchester,' passed April 12, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

Also, a bill entitled "An act to amend an act entitled 'An act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes,' passed April 20, 1866, as to travel fees of constables, passed May 10, 1869;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Springsted introduced a bill entitled "An act to amend section 10 of chapter 739 of the Laws of 1857, entitled 'An act to authorize the formation of town insurance companies,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

Mr. D. L. Babcock introduced a bill entitled "An act to amend an act passed February 16, 1821, entitled 'An act establishing a justices' court in the city of Albany, and the acts amendatory thereof, and to regulate the fees of justices, witnesses, constables, and jurors in said court, and in certain special proceedings, and to amend an act passed April 12, 1856,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Knapp introduced a bill entitled "An act to prevent frauds in the sale of patent rights," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

On motion of Mr. Alvord, and by unanimous consent,

*Resolved* (if the Senate concur), That the committee on rules of this House act with a like committee to be appointed by the Senate to make examination and recommend revision, if necessary, of the joint rules of the two Houses.

Mr. Alvord moved to reconsider the vote of Saturday last, by which a resolution was adopted, in the words following:

*Resolved*, That 2,500 copies of the annual report of the New York Institution for the Instruction of the Deaf and Dumb be printed under the direction of the Clerk of the House, for the use of the trustees of that institution, and 1,000 copies for distribution by the Superintendent of Public Instruction, in violation of Assembly rule 53, and joint rule 13.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Alvord then moved that said resolution be referred to the committee on public printing.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Prince offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the daily sessions of the Assembly hereafter commence at 10 o'clock A. M.

Said resolution giving rise to debate,

*Ordered*, That the same be laid on the table.

The House resolved itself into a committee of the whole on the bills entitled as follows:

"An act in regard to the qualification of executors of the estate of any deceased person."

"An act in relation to affidavits of merits in actions brought in the courts of this State."

"An act to amend chapter 539 of the Laws of 1870, entitled 'An act in relation to jurors in the city and county of New York.'"

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Husted, from said committee, reported that they had stricken out the first section and the title of said first mentioned bill; which report was agreed to.

Mr. Husted, from said committee, also reported that they had stricken out the enacting clause of said second mentioned bill; which report was agreed to.

Mr. Husted, from said committee, also reported in favor of the passage of said third mentioned bill, with an amendment.

The question being upon agreeing to the report,

Mr. Prince moved to amend said report by striking out the amendment adopted in committee of the whole, in the words following, to wit:

"SECTION 27. A grand jury may be impaneled in the court of oyer and terminer and another in the court of general sessions and may meet at, and sit during the same time, but whenever either grand jury shall present an indictment against any person for any offense it shall not be lawful for the other grand jury sitting at the same time to hear or act upon the same matter, or make any presentation in relation thereto, so far as it shall relate to the person so presented by the other grand jury," and re-inserting the words stricken out, as reported from the committee on the judiciary.

Mr. Alvord raised the point of order that said motion was out of



order, for the reason that no such motion was offered in the committee of the whole.

Mr. Speaker ruled the point of order well taken.

Mr. Speaker then put the question on agreeing with the report of the committee, and it was decided in the affirmative.

*Ordered*, That said bill be engrossed for a third reading.

The House again resolved itself into a committee of the whole on the bills entitled as follows :

"An act to amend an act entitled 'An act to re-organize the fire department of the city of Albany,' passed March 29, 1867."

"An act to regulate a ferry between the cities of New York and Brooklyn."

"An act to regulate the ferries running from the foot of Tenth street and Twenty-third street, in the city of New York, across the East river to Green Point, in the city of Brooklyn."

After some time spent therein, Mr. Speaker resumed the chair, and Mr. Prince, from said committee, reported in favor of the passage of said first and second mentioned bills, with an amendment; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Prince, from said committee, also reported progress on said last mentioned bill, and asked and obtained leave to sit again.

Leave of absence was granted to Mr. Wells indefinitely, on account of sickness in his family.

On motion of Mr. I. D. Brown, at 2 o'clock and 13 minutes, the House took a recess until 7½ o'clock.

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#### HALF-PAST SEVEN O'CLOCK P. M.

The House again met, when

Mr. Speaker announced the special order, being the bill entitled as follows :

"An act to provide for the payment of certain claims against the city and county of New York."

Whereupon the House resolved itself into a committee of the whole on said entitled bill.

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Jacobs, from said committee, reported in favor of the passage of said bill, with amendments, and the title amended so as to read "An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county."

The question being upon agreeing to said report,

Mr. Alberger moved that said bill be recommitted to the committee on the affairs of cities, with instructions to strike out all after the words "An act" and insert in lieu thereof the following :

"To provide for the payment of certain claims against the city and county of New York."

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

"SECTION 1. The comptroller of the city of New York is hereby authorized to make payment of the claims remaining unpaid for salaries and wages of employes of the various departments, and officers of the city and county of New York, and for services rendered to the said departments and officers respectively, for the year 1871, and of claims

remaining unpaid for supplies and materials furnished during said year for the purposes of the departments of public charities and correction, police, fire and public instruction, of said city; and also of claims for street cleaning, removing night soil, offal and dead animals, and for rents other than armories and drill rooms; and also the claims of asylums and reformatories and charitable institutions entitled by law to an allowance per capita or otherwise from the said city or county, as the said several claims shall be audited and allowed by said comptroller; and also to reimburse and make good any fund or account from which moneys have been advanced to pay such claims. And to provide for said payments and reimbursements, the said comptroller is authorized to issue revenue bonds of said city or county, at not less than par, in such form and manner as he may prescribe, to an amount not exceeding four millions five hundred thousand dollars, bearing interest not exceeding seven per cent per annum, and payable within two years from the date of the said bonds respectively.

“§ 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

“§ 3. This act shall take effect immediately.”

Mr. Speaker put the question whether the House would agree to said motion of Mr. Alberger, and it was decided in the negative.

{ AYES 41 }  
{ NOES 71 }

Those who voted in the affirmative, were

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| Alberger      | Foley       | Hollister | Moulton    | Snyder          |
| I. H. Babcock | Fort        | Judd      | Paige      | Speaker         |
| Beckwith      | Geib        | Kennedy   | Pell       | Springsted      |
| Berri         | Haight      | Knapp     | Prince     | Strahan         |
| Burritt       | Hawkins     | Lewis     | Rice       | Swain           |
| Davidson      | A. L. Hayes | Lippitt   | Shepardson | A. L. Van Dusen |
| Eastman       | Herrick     | Lott      | Smith      | White           |
| Enos          | D. B. Hill  | Marcy     | Smyth      | Yeomans         |
| Flammer       |             |           |            |                 |

Those who voted in the negative, were

|               |          |            |         |                 |
|---------------|----------|------------|---------|-----------------|
| Abbott        | Couchman | Holdridge  | Moseley | Sniper          |
| Aitken        | Dunphy   | Houghton   | Mosher  | Squires         |
| Alvord        | Dykeman  | Hungerford | Murdock | Tobey           |
| D. L. Babcock | Fields   | Husted     | Niles   | D. Tomkins      |
| Badeau        | Fowler   | Jacobs     | Oakley  | M. M. Tompkins  |
| Bemus         | Frear    | Kingsland  | Peck    | Tucker          |
| Bennett       | Goring   | Knettles   | Pierce  | Twombly         |
| Blair         | Goss     | Lincoln    | Preston | W. J. Van Dusen |
| E. E. Brown   | Green    | G. D. Lord | Ray     | Vedder          |
| I. D. Brown   | Gregory  | G. P. Lord | Roche   | West            |
| Buell         | Hart     | Loughran   | Rose    | Whitbeck        |
| Burns         | J. Hayes | Lynde      | Sage    | Whitaker        |
| Campbell      | Healy    | Mackay     | Simson  | Woodward        |
| Chambers      | A. Hill  | Moore      | Smiley  | Woolsey         |
| Cook          |          |            |         |                 |

Mr. Speaker then put the question whether the House would agree to said report, and it was determined in the affirmative.

*Ordered*, That said bill be engrossed for a third reading.

Mr. Speaker presented a message from the Governor, relative to lands of the Stockbridge Indians, to which their title has never been extinguished; which was read and referred to the committee on Indian affairs.

Mr. Speaker presented the report of the Canal Appraisers, in answer to a resolution of the Assembly of January 11, 1872; which was ordered printed and referred to the committee on canals.

Leave of absence was granted to Mr. Ely indefinitely, on account of illness.

On motion of Mr. Alvord, at 8 o'clock and 47 minutes, the House adjourned.

## TUESDAY, JANUARY 23, 1872.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Bridgeman.

The journal of yesterday was read and approved.

A message from the Senate was received and read, in the words following, to wit:

IN SENATE, *January 22, 1872.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill entitled "An act to amend an act passed April 26, 1869, entitled 'An act for the election of a receiver of taxes and assessments for the town of Cortlandt, village of Peekskill.'"

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Robertson, and by unanimous consent, the same was amended as follows:

Section 1, line 7, after the word "taxes," insert "and assessments," and as amended, passed, and ordered sent to the Assembly for concurrence.

Mr. Niles moved that the vote on the final passage of said bill be reconsidered.

Mr. Speaker put the question whether the House would agree to said motion to reconsider the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 95 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Abbott        | Davidson   | A. Hill    | Mosher  | Smith           |
| Aitken        | Dunphy     | D. B. Hill | Moulton | Smyth           |
| Alvord        | Dykeman    | Holdridge  | Murdock | Sniper          |
| D. L. Babcock | Eastman    | Hollister  | Niles   | Snyder          |
| I. H. Babcock | Enos       | Houghton   | Osgood  | Speaker         |
| Badeau        | Flammer    | Hungerford | Paige   | Springsted      |
| Beckwith      | Foley      | Judd       | Peck    | Squires         |
| Bemus         | Fort       | Kingsland  | Pell    | Swain           |
| Bennett       | Fowler     | Knapp      | Pierce  | D. Tomkins      |
| Berri         | Geib       | Lewis      | Preston | M. M. Tompkins  |
| E. E. Brown   | Green      | Lincoln    | Prince  | A. L. Van Dusen |
| I. D. Brown   | Greenhalgh | G. P. Lord | Ray     | W. J. Van Dusen |
| Buckley       | Gregory    | Lott       | Rice    | Vedder          |
| Buell         | Haight     | Loughran   | Roche   | Whitbeck        |
| Burns         | Hart       | Lynde      | Rose    | White           |



|          |          |        |            |          |
|----------|----------|--------|------------|----------|
| Campbell | Haughton | Mackay | Sage       | Whitaker |
| Chambers | Hawkins  | Marcy  | Shepardson | Woodward |
| Couchman | Healy    | Moore  | Simson     | Woolsey  |
| Crandall | Herrick  | Morton | Smiley     | Yeomans  |

Mr. Speaker then put the question whether the House would agree to the final passage of said bill as amended, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

} AYES 93 }  
 } NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Aitken        | Dykeman     | Houghton   | Oakley     | Snyder          |
| Alvord        | Eastman     | Hungerford | Osgood     | Speaker         |
| D. L. Babcock | Enos        | Jacobs     | Paige      | Squires         |
| I. H. Babcock | Flammer     | Kingsland  | Peck       | Strahan         |
| Badeau        | Foley       | Knapp      | Pell       | Swain           |
| Beckwith      | Fowler      | Lewis      | Pierce     | M. M. Tompkins  |
| Bemus         | Geib        | Lincoln    | Preston    | Tucker          |
| Bennett       | Green       | G. P. Lord | Prince     | Twombly         |
| Blair         | Greenhalgh  | Lott       | Ray        | A. L. Van Dusen |
| E. E. Brown   | Gregory     | Loughran   | Rice       | W. J. Van Dusen |
| I. D. Brown   | Haight      | Lynde      | Roche      | Vedder          |
| Buckley       | Hart        | Mackay     | Rose       | West            |
| Buell         | A. L. Hayes | Marcy      | Shepardson | White           |
| Campbell      | Healy       | Moore      | Simson     | Whitaker        |
| Chambers      | Herrick     | Morton     | Smiley     | Wiley           |
| Cook          | A. Hill     | Moseley    | Smith      | Woodward        |
| Crandall      | D. B. Hill  | Moulton    | Smyth      | Woolsey         |
| Davidson      | Holdridge   | Murdock    | Sniper     | Yeomans         |
| Dunphy        | Hollister   | Niles      |            |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, as amended.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act to incorporate the Albany Produce Commission Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trade and manufactures.

"An act to amend chapter 92, Laws of 1869, entitled 'An act to provide for the compensation of members of the board of supervisors of the county of Oneida,' and to fix the place of the annual sessions thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to change the name of the Mutual Protection Life Assurance Society, and provide for an increase of its capital," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

"An act to change the name of the Flatbush Avenue Industrial School and Nursery," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

"An act to authorize the town of Herkimer, Herkimer county, to issue bonds upon its credit for the purpose of raising money to be contributed toward building a new court-house for said county in said town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to legalize and confirm the acts and proceedings of Henry C. Duryea, as special surrogate of the county of Orange," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A message from the Senate was received and read, informing of concurrence in the passage of the bill entitled as follows:

"An act to legalize the official acts and proceedings of Cyrillo S. Lincoln, a justice of the peace of the town of Naples, county of Ontario."

*Ordered,* That the Clerk deliver said bill to the Governor.

Mr. Smyth, from the committee on engrossed bills, reported as correctly engrossed, the bills entitled as follows:

"An act to amend an act entitled 'An act to reorganize the fire department of the city of Albany,' passed March 29, 1867."

"An act to amend chapter 539 of the Laws of 1870, entitled 'An act in relation to jurors in the city and county of New York.'"

"An act to regulate a ferry between the cities of New York and Brooklyn."

"An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county."

This being the day assigned by the rules for the consideration of the general orders, the House resolved itself into a committee of the whole on the bills entitled as follows:

"An act to regulate the ferries running from the foot of Tenth street and Twenty-third street, in the city of New York, across the East river to Green Point, in the city of Brooklyn."

"An act to authorize the railroad commissioners of the town of Lowville, in Lewis county, to issue bonds on said town in place of others now falling due, and otherwise amending chapter 426 of the Laws of 1866."

"An act to amend an act entitled 'An act to incorporate the Port Chester Savings Bank,' passed March 14, 1865."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. G. P. Lord, from said committee, reported in favor of the passage of said first and second mentioned bills, with amendments; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. G. P. Lord, from said committee, also reported progress on said last mentioned bill, and asked leave to sit again.

The question being on granting leave,

Mr. Foley moved to discharge the committee of the whole from the further consideration of said bill, and that the same be recommitted to the committee on banks.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

On motion of Mr. Smiley, and by unanimous consent, the bill entitled "An act to authorize the railroad commissioners of the town of Lowville, in Lewis county, to issue bonds on said town in place of others now falling due, and otherwise amending chapter 426, of the Laws of 1866," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 100 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Dykeman    | Houghton   | Moulton    | Sniper          |
| Aitken        | Eastman    | Hungerford | Murdock    | Speaker         |
| Alberger      | Enos       | Husted     | Niles      | Springsted      |
| Alvord        | Fort       | Jacobs     | Oakley     | Squires         |
| D. L. Babcock | Fowler     | Judd       | Osgood     | Strahan         |
| I. H. Babcock | Frear      | Kennedy    | Paige      | Swain           |
| Badeau        | Geib       | Kingsland  | Peck       | Tobey           |
| Beckwith      | Goring     | Knapp      | Pell       | D. Tomkins      |
| Bennett       | Goss       | Knettles   | Pierce     | M. M. Tompkins  |
| Blair         | Green      | Lewis      | Preston    | Tucker          |
| E. E. Brown   | Greenhalgh | Lincoln    | Prince     | A. L. Van Dusen |
| I. D. Brown   | Gregory    | Lippitt    | Ray        | W. J. Van Dusen |
| Buckley       | Hart       | G. D. Lord | Rice       | Vedder          |
| Buell         | Hawkins    | Lott       | Roche      | West            |
| Burns         | Healy      | Loughran   | Rose       | Whitbeck        |
| Burritt       | Herrick    | Lynde      | Sage       | White           |
| Cook          | A. Hill    | Mackay     | Shepardson | Whitaker        |
| Crandall      | D. B. Hill | Marcy      | Simson     | Woodward        |
| Davidson      | Holdridge  | Moore      | Smiley     | Woolsey         |
| Dunphy        | Hollister  | Morton     | Smyth      | Yeomans         |

Those who voted in the negative, were

Fields

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

By unanimous consent, Mr. Moulton introduced a bill entitled "An act to reorganize the local government of the city of New York," which was read the first time, and by unanimous consent, was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, also a bill entitled "An act concerning the responsibility of certain city and county officers of the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Smyth introduced a bill entitled "An act to amend chapter 791, of the Laws of 1868, entitled 'An act to more particularly define the duties of overseers of highways and their appointment, in conformity with the provisions of chapter 522, of Laws of 1865,' passed May 9, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to increase the duties of clerks of boards of supervisors."

"An act to repeal section 43 of chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871."

"An act to incorporate the Lockport Driving Park Association."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Shepardson, from said committee, reported in favor of the passage of said first mentioned bill; which report was agreed to, and said bill ordered engrossed for a third reading.



Mr. Shepardson, from said committee, also reported in favor of the passage of said second mentioned bill.

The question being on agreeing to the report,

Mr. Prince moved to recommit said bill to the committee on internal affairs, with instructions to incorporate its provisions in a general amendment to the game law.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Fields moved to amend said report by amending section 1, so as to read as follows:

"SECTION 1. Section 43 of chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish, passed April 26, 1871,' which reads as follows:

"§ 43. The counties of Delaware and Chenango are exempted from the operation of sections 16, 17 and 31, is hereby repealed."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said report, as amended, and it was determined in the affirmative.

*Ordered*, That said bill be engrossed for a third reading.

Mr. Shepardson, from said committee, also reported in favor of the passage of said third mentioned bill, with amendments; which report was agreed to, and said bill ordered engrossed to a third reading.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to repeal section 27 of chapter 721 of the Laws of 1871."

"An act to provide for the joint purchase of a steam fire-engine in the village of Tonawanda, Erie county, and North Tonawanda, Niagara county, and for the more effectual protection of said village against fires."

"An act to amend an act entitled 'An act to widen and improve a portion of Washington avenue in the city of Brooklyn, and extend the same into the town of Flatbush,' passed April 23, 1870."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Lynde, from said committee, reported in favor of the passage of said first mentioned bill, with amendments, and the title amended so as to read, "An act to repeal section 27 of chapter 721 of the Laws of 1871, and to amend section 21 of said act; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Lynde, from said committee, also reported progress on said second mentioned bill, and asked and obtained leave to sit again.

Mr. Lynde, from said committee, also reported in favor of the passage of said third mentioned bill, with an amendment; which report was agreed to, and said bill ordered engrossed for a third reading.

By unanimous consent, Mr. Niles introduced a bill entitled "An act for the relief of Patrick Mullins," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Leave of absence was granted to Mr. Knapp, indefinitely, on account of sickness.

On motion of Mr. White, at 2 o'clock, the House adjourned.

## WEDNESDAY, JANUARY 24, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Darling.

The journal of yesterday was read and approved.

Mr. Smyth, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to regulate the ferries running from the foot of Tenth street and Twenty-third street, in the city of New York, across the East river to Green Point, in the city of Brooklyn."

"An act to authorize the railroad commissioners of the town of Lowville, in Lewis county, to issue bonds on said town in place of others now falling due, and otherwise amending chapter 426 of the Laws of 1866," which bill was read and passed by unanimous consent yesterday.

"An act to repeal section 43 of chapter 721, of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871."

"An act to increase the duties of clerks of boards of supervisors."

"An act to amend an act entitled 'An act to widen and improve a portion of Washington avenue in the city of Brooklyn, and extend the same into the town of Flatbush,' passed April 23, 1870."

"An act to incorporate the Lockport Driving Park Association."

"An act to repeal section 27, of chapter 721, of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871, and to amend section 21 of said act."

Mr. Mosher presented a petition of Joseph Philbrick and Milo M. Spicer for damage done to the canal boat John J. Height on the Champlain canal; which was read and referred to the committee on claims.

Mr. Lewis presented a petition of Gritinan E. Fuller for State aid, having lost his arm by the premature explosion of a piece of light artillery while acting under orders of his officers practicing in the county of Delaware, State of New York; which was read and referred to the committee on ways and means.

Mr. Morton presented a petition of the owners of property on Taylor street, in the city of Brooklyn, to have assessments refunded on account of the Wallabout improvement; which was read and referred to the committee on the affairs of cities.

Mr. G. D. Lord presented a petition of the Rochester Citizens' Association for Public Buildings; which was read and referred to the committee on the affairs of cities.

Mr. Hawkins presented a memorial of the Board of Commissioners of Pilots for compensation since the year 1859; which was read and referred to the committee on commerce and navigation.

Mr. Geib presented a memorial from the citizens of the seventeenth, tenth, and eleventh wards in New York city in relation to the interests of the city of New York; which was read and referred to the committee on the affairs of cities.

Mr. Osgood presented a petition of the Sisters of St. Joseph of the city of Troy for State aid for their day house; which was read and referred to the committee on ways and means.

Messrs. Dykeman and Husted presented petitions of the residents of Putnam county asking for the repeal of chapter 56 of the Laws of 1871, entitled "An act to provide a supply of pure and wholesome water for the city of New York;" which was read and referred to the committee on the affairs of cities.

Mr. Hollister presented a petition of the trustees of Argyle academy, Washington county, for increased appropriations to academies in general; which was read and referred to the committee on ways and means.

Messrs. Rice, Crandall, Buckley, and Murdock presented several petitions of the trustees of academies for an increase of the literature fund; which was read and referred to the committee on ways and means.

Mr. Whitbeck presented a petition of the Shepherd's Fold of the Protestant Episcopal Church, in the State of New York, for leave to purchase and hold real estate; which was read and referred to the committee on charitable and religious societies.

Mr. Hungerford presented a petition for a charter for the Utica Park Association; which was read and referred to the committee on agriculture.

Mr. Smith presented a petition of Geo. C. Hitchcock and others, for a law authorizing the Canal Commissioners to raise the road-bed in the town of Kingsbury, Washington county; which was read and referred to the committee on canals.

Messrs. Holdridge, Swain, Smith and Crandall presented eight several remonstrances of citizens of various portions of the State against placing the Erie railway under control of a British monopoly; which were read and referred to the committee on railroads.

Messrs. Murdock, Goss, Knettles, Davidson and Crandall presented six several remonstrances from citizens of various portions of the State against legislative interference with the management of the Erie Railway Company; which were read and referred to the committee on railroads.

Mr. Flammer presented a petition of residents and property owners along the line of the elevated railway in Greenwich street and Ninth avenue for repeal of its charter; which was read and referred to the committee on railroads.

Mr. Enos presented a petition in behalf of the act declaring Indian river a public highway; which was read and referred to the committee on commerce and navigation.

Mr. Whitaker presented a petition of tax-payers of the town of Rochester, Ulster county, for the enactment of a law exempting said town from bonding for railroad purposes; which was read and referred to the committee on railroads.

Mr. G. P. Lord presented a remonstrance of tax-payers of Yates county, against the removal of the poor-house site in said county; which was read and referred to the committee on internal affairs.

Mr. Burns presented a remonstrance of citizens of Skaneateles, against bonding said town for railroad purposes; which was read and referred to the committee on railroads.

Mr. Badeau presented a petition to reduce the fare and give increased facilities to passengers upon the New York and New Haven railroad in the State of New York; which was read and referred to the committee on railroads.



Mr. Sage presented a petition of citizens of the town of Richland, against the passage of a law raising the salaries of county judge and surrogate of Oswego county; which was read and referred to the committee on the judiciary.

Messrs. Haight, Geib, Moulton and Whitbeck presented petitions of residents of New York and patrons of the Third Avenue Railroad Company, praying for the passage of a law authorizing the running of palace or drawing room cars on said railroad; which were read and referred to the committee on railroads.

Messrs. Healy, Paige, Whitbeck, Roche, Moseley, Aitken, Peck and Ray severally presented petitions in favor of the Beach Pneumatic Underground railway; which were read and referred to the committee on railroads.

Mr. Squires, from the committee on banks, to which was recommended the bill entitled "An act to amend an act entitled 'An act to incorporate the Port Chester Savings Bank,' passed March 14, 1865," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. G. P. Lord, from the committee on public education, to which was referred the bill entitled "An act to authorize the board of education of district No. 9, in the town of Perrinton, to construct a school building and provide means for payment thereof," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. G. P. Lord, from the committee on public education, to which was referred the bill entitled "An act to authorize the trustees of Unadilla Academy to sell and convey the property of that corporation, and to dispose of the proceeds of sale," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. G. P. Lord, from the committee on public education, to which was referred the Senate bill entitled "An act in relation to filling vacancies in the board of public instruction of the city of Albany," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

On motion of Mr. Alvord, said bill was substituted for Assembly bill on same subject, already ordered to a third reading.

Mr. G. P. Lord, from the committee on public education, to which was referred the Senate bill entitled "An act to change the name of the Flatbush Avenue Industrial School and Nursery," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the city of Lockport,' and the acts amendatory thereof," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act authorizing the city of Oswego to convey by deed certain land in said city," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the petition of Martin Thompson and others, for the use of the main sewers in the city of New York to place therein telegraph cables

and telegraph wires; reported, and returned the same with the opinion that the matter came directly under the local government.

On motion of Mr. Whitbeck, said report was laid upon the table.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act supplementary to, and amendatory of, an act in relation to a public park in the city of Albany, passed May 5, 1869, and the acts supplementary to and amendatory thereof, reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to repeal an act entitled 'An act to extend Bedford avenue and Herkimer street, and to widen Perry avenue, and to change the name thereof, and to close parts of adjoining streets and roads, in the city of Brooklyn,' passed May 11th, 1869," reported adversely thereto.

On motion of Mr. Jacobs said report was laid on the table.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act conferring power on certain officers of the city of New York, and for providing moneys for the use of said city," reported adversely thereto, which report was agreed to and the bill rejected.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to provide for the liquidation of the indebtedness of the city and county of New York, as it existed on December 31, 1871," reported adversely thereto, which report was agreed to and the bill rejected.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to extend, widen, alter and improve Banker street, to close a portion of the same, and to improve Union avenue, in the city of Brooklyn," reported the same for the consideration of the House; which report was agreed to and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to establish a bureau or department of gas in and for the city of Brooklyn,'" reported adversely thereto, which report was agreed to.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to provide public lodging-houses in the city of New York," reported adversely thereto; which report was agreed to.

Mr. Pierce, from the committee on affairs of villages, to which was referred the bill entitled "An act to provide for the establishment of fire limits in the village of Tonawanda, Erie county," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on affairs of villages, to which was referred the bill entitled "An act to authorize the village of Flushing, Queens county, to borrow money and issue bonds therefor for the purpose of paying the floating indebtedness of said village, and for the general improvement thereof," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on affairs of villages, to which was referred the bill entitled "An act to amend the charter of the village of



Potsdam," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the Senate bill entitled "An act to amend an act entitled 'An act to amend the act incorporating the village of Plattsburgh,' passed April 13, 1859, passed April 20, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate Smyrna Lodge No. 116, Independent Order of Odd Fellows of the State of New York," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act for the relief of Patrick Mullins," reported in favor of the passage of the same with amendments, and title amended so as to read as follows: "An act for the relief of Patrick Mullins by relieving his real estate from the lien of a bond executed by him," which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the election of a police justice in and for the village of Flushing, Queens county, and to prescribe his duties and compensation, and regulating charges in criminal proceedings in said village," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act for the extension of the Utica, Chenango and Cortland railroad," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act in relation to the Chemung Railroad Company," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to amend chapter 254, of the Laws of 1867, entitled 'An act in relation to railroads held under lease, passed April 3, 1867,' and to extend the same," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to amend an act passed April 19, 1871, so as to authorize the formation of railroad corporations to organize for the purpose of constructing and operating railroads of the gauge of not less than thirty inches within the rails," reported in favor of the passage of the same with amendments, and title amended so as to read, "An act to amend an act passed April 19, 1871, entitled 'An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850,' which report was agreed to and said bill committed to the committee of the whole.

The bill entitled "An act for the better prevention of the procurement of abortions and other like offenses, and to amend the laws relative thereto," being announced for a third reading,



On motion of Mr. Mackay, and by unanimous consent, said bill was amended by striking out the word "eighth" in line 1, section 2, engrossed bill, and inserting in lieu thereof the word "ninth."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 98 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Crandall    | A. Hill    | Moulton    | Sniper          |
| Aitken        | Davidson    | D. B. Hill | Murdock    | Springsted      |
| Alberger      | Dykeman     | Holdridge  | Niles      | Squires         |
| Alvord        | Eastman     | Hollister  | Osgood     | Swain           |
| D. L. Babcock | Enos        | Houghton   | Paige      | D. Tomkins      |
| I. H. Babcock | Fields      | Hungerford | Peck       | M. M. Tompkins  |
| Badeau        | Flammer     | Jacobs     | Pell       | Tucker          |
| Beckwith      | Fort        | Judd       | Pierce     | Twombly         |
| Bemus         | Fowler      | Kennedy    | Preston    | A. L. Van Dusen |
| Bennett       | Geib        | Kingsland  | Prince     | W. J. Van Dusen |
| E. E. Brown   | Green       | Knettles   | Ray        | Vedder          |
| I. D. Brown   | Gregory     | Lewis      | Rice       | Wells           |
| Buckley       | Griffin     | G. D. Lord | Rose       | Whitbeck        |
| Buell         | Haight      | G. P. Lord | Sage       | White           |
| Burns         | Hart        | Loughran   | Shepardson | Whitaker        |
| Campbell      | Haughton    | Lynde      | Simson     | Wiley           |
| Chamberlain   | Hawkins     | Mackay     | Smiley     | Woolsey         |
| Chambers      | A. L. Hayes | Marcy      | Smith      | Wyman           |
| Cook          | Healy       | Moore      | Smyth      | Yeomans         |
| Couchman      | Herrick     | Moseley    |            |                 |

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act in relation to filling vacancies in the board of public instruction of the city of Albany," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 101 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |            |            |                 |
|---------------|----------|------------|------------|-----------------|
| Abbott        | Eastman  | Hollister  | Niles      | Speaker         |
| Aitken        | Enos     | Houghton   | Oakley     | Springsted      |
| Alvord        | Fields   | Hungerford | Osgood     | Strahan         |
| D. L. Babcock | Flammer  | Judd       | Paige      | Swain           |
| I. H. Babcock | Fort     | Kennedy    | Peck       | Tobey           |
| Badeau        | Fowler   | Kingsland  | Pell       | D. Tomkins      |
| Beckwith      | Frear    | Knettles   | Pierce     | Tucker          |
| Bemus         | Geib     | Lewis      | Preston    | Twombly         |
| Bennett       | Goss     | Lippitt    | Ray        | A. L. Van Dusen |
| E. E. Brown   | Green    | G. D. Lord | Rice       | W. J. Van Dusen |
| I. D. Brown   | Gregory  | G. P. Lord | Roche      | Vedder          |
| Buckley       | Griffin  | Loughran   | Rose       | Wells           |
| Buell         | Haight   | Lynde      | Sage       | West            |
| Burns         | Hart     | Mackay     | Shepardson | Whitbeck        |
| Chamberlain   | Haughton | Marcy      | Simson     | White           |

|          |           |         |        |          |
|----------|-----------|---------|--------|----------|
| Chambers | Hawkins   | Moore   | Smiley | Whitaker |
| Cook     | Healy     | Morton  | Smith  | Wiley    |
| Couchman | Herrick   | Mosher  | Smyth  | Woolsey  |
| Crandall | A. Hill   | Moulton | Sniper | Wyman    |
| Davidson | Holdridge | Murdock | Snyder | Yeomans  |
| Dunphy   |           |         |        |          |

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to extend and define the jail liberties of the city and county of Albany," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

} AYES 99 }  
} NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Davidson    | Herrick    | Moseley    | Speaker         |
| Aitken        | Dunphy      | A. Hill    | Moulton    | Squires         |
| Alberger      | Dykeman     | Holdridge  | Murdock    | Strahan         |
| Alvord        | Enos        | Hollister  | Niles      | Swain           |
| D. L. Babcock | Fields      | Houghton   | Osgood     | Tobey           |
| I. H. Babcock | Flammer     | Hungerford | Peck       | D. Tomkins      |
| Badeau        | Fort        | Judd       | Pell       | M. M. Tompkins  |
| Beckwith      | Fowler      | Kennedy    | Pierce     | Tucker          |
| Bemus         | Frear       | Kingsland  | Preston    | A. L. Van Dusen |
| Bennett       | Geib        | Knettles   | Prince     | W. J. Van Dusen |
| Berri         | Goss        | Lewis      | Ray        | Vedder          |
| E. E. Brown   | Green       | Lippitt    | Rice       | Wells           |
| I. D. Brown   | Gregory     | G. D. Lord | Roche      | West            |
| Buckley       | Griffin     | G. P. Lord | Rose       | Whitbeck        |
| Burns         | Haight      | Loughran   | Sage       | White           |
| Campbell      | Hart        | Lynde      | Shepardson | Whitaker        |
| Chamberlain   | Haughton    | Mackay     | Simson     | Woolsey         |
| Cook          | Hawkins     | Marcy      | Smiley     | Wyman           |
| Couchman      | A. L. Hayes | Moore      | Smith      | Yeomans         |
| Crandall      | Healey      | Morton     | Sniper     |                 |

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to legalize the vote of the town of Mt. Morris, in the county of Livingston, at the town meeting of said town, held on the 7th day of March, 1871, by which certain moneys were voted to be paid to the estate of McNeil Seymour, deceased, and to Noble Denison, and authorizing the board of town auditors of said town to audit and allow, and the board of supervisors of said county to levy and collect the same," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

} AYES 103 }  
} NOES 00 }

Those who voted in the affirmative, were

|        |         |            |         |         |
|--------|---------|------------|---------|---------|
| Abbott | Dunphy  | Houghton   | Murdock | Squires |
| Aitken | Dykeman | Hungerford | Niles   | Strahan |

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Alberger      | Eastman     | Jacobs     | Osgood  | Swain           |
| Alvord        | Fort        | Judd       | Paige   | D. Tomkins      |
| D. L. Babcock | Fowler      | Kennedy    | Peck    | M. M. Tompkins  |
| I. H. Babcock | Frear       | Kingsland  | Pell    | Tucker          |
| Badeau        | Geib        | Knettles   | Pierce  | Twombly         |
| Beckwith      | Goring      | Lewis      | Preston | A. L. Van Dusen |
| Bennett       | Goss        | Lincoln    | Prince  | W. J. Van Dusen |
| Berri         | Green       | Lippitt    | Ray     | Vedder          |
| I. D. Brown   | Gregory     | G. P. Lord | Rice    | Wells           |
| Buckley       | Haight      | Lott       | Roche   | West            |
| Buell         | Hart        | Loughran   | Rose    | Whitbeck        |
| Burns         | Haughton    | Lynde      | Simson  | White           |
| Campbell      | Hawkins     | Mackay     | Smiley  | Whitaker        |
| Chamberlain   | A. L. Hayes | Marcy      | Smith   | Wiley           |
| Chambers      | Healy       | Moore      | Smyth   | Woodward        |
| Cook          | Herrick     | Morton     | Sniper  | Woolsey         |
| Couchman      | A. Hill     | Moseley    | Snyder  | Wyman           |
| Crandall      | D. B. Hill  | Mosher     | Speaker | Yeomans         |
| Davidson      | Holdridge   | Moulton    |         |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to legalize and confirm the election of Harrison Clute, as superintendent of the poor of the county of Schenectady," being announced for a third reading,

Mr. Jacobs moved to recommit said bill to the committee on internal affairs, retaining its place on third reading of bills.

Debate was had thereon, when

Mr. Alvord moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the negative.

After further debate,

Mr. Speaker put the question whether the House would agree to said motion of Mr. Jacobs, and it was determined in the affirmative.

The bill entitled "An act to amend chapter 539 of the Laws of 1870, entitled 'An act in relation to jurors in the city and county of New York,' " was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 {  
{ NOES 28 {

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Fort        | Husted     | Paige      | Swain           |
| Alvord        | Fowler      | Judd       | Pell       | D. Tomkins      |
| D. L. Babcock | Geib        | Kennedy    | Pierce     | Tucker          |
| I. H. Babcock | Goring      | Kingsland  | Preston    | Twombly         |
| Badeau        | Goss        | Knettles   | Prince     | A. L. Van Dusen |
| Beckwith      | Green       | Lewis      | Rice       | W. J. Van Dusen |
| Bemus         | Gregory     | Lippitt    | Sage       | Vedder          |
| Bennett       | Griffin     | G. P. Lord | Shepardson | Wells           |
| Berri         | Haight      | Lott       | Smiley     | West            |
| I. D. Brown   | Hart        | Lynde      | Smith      | Whitbeck        |
| Burns         | Hawkins     | Mackay     | Smyth      | White           |
| Crandall      | A. L. Hayes | Marcy      | Sniper     | Whitaker        |
| Davidson      | Herrick     | Moore      | Snyder     | Woodward        |
| Dykeman       | Holdridge   | Morton     | Speaker    | Woolsey         |
| Eastman       | Hollister   | Moulton    | Springsted | Wyman           |
| Enos          | Houghton    | Murdock    | Squires    | Yeomans         |
| Flammer       | Hungerford  | Niles      | Strahan    |                 |



Those who voted in the negative, were

|          |          |            |          |                |
|----------|----------|------------|----------|----------------|
| Aitken   | Chambers | Haughton   | Loughran | Ray            |
| Alberger | Cook     | J. Hayes   | Moseley  | Roche          |
| Blair    | Couchman | Healy      | Mosher   | Rose           |
| Buckley  | Dunphy   | A. Hill    | Oakley   | Simson         |
| Buell    | Fields   | Jacobs     | Osgood   | M. M. Tompkins |
| Campbell | Frear    | G. D. Lord |          |                |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to regulate a ferry between the cities of New York and Brooklyn," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 91 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |            |         |                 |
|---------------|----------|------------|---------|-----------------|
| Abbott        | Davidson | A. Hill    | Moulton | Squires         |
| Aitken        | Dunphy   | D. B. Hill | Murdock | Strahan         |
| Alvord        | Dykeman  | Holdridge  | Osgood  | Swain           |
| D. L. Babcock | Eastman  | Hollister  | Paige   | M. M. Tompkins  |
| I. H. Babcock | Enos     | Houghton   | Pierce  | Tucker          |
| Badeau        | Fields   | Hungerford | Preston | A. L. Van Dusen |
| Beckwith      | Flammer  | Jacobs     | Prince  | W. J. Van Dusen |
| Bemus         | Fort     | Kennedy    | Ray     | Vedder          |
| Bennett       | Fowler   | Kingsland  | Rice    | Wells           |
| Berri         | Frear    | Knottles   | Roche   | West            |
| I. D. Brown   | Geib     | Lewis      | Rose    | Whitbeck        |
| Buckley       | Goring   | G. D. Lord | Sage    | White           |
| Buell         | Goss     | G. P. Lord | Simson  | Whitaker        |
| Burns         | Green    | Lott       | Smiley  | Wiley           |
| Campbell      | Gregory  | Mackay     | Smith   | Woodward        |
| Chambers      | Hart     | Marcy      | Smyth   | Woolsey         |
| Cook          | Healy    | Moore      | Sniper  | Wyman           |
| Couchman      | Herrick  | Morton     | Speaker | Yeomans         |
| Crandall      |          |            |         |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to reorganize the fire department of the city of Albany,' passed March 29, 1867," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 92 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |         |            |         |                |
|---------------|---------|------------|---------|----------------|
| Abbott        | Dykeman | Holdridge  | Mosher  | Sniper         |
| Alvord        | Eastman | Hollister  | Moulton | Speaker        |
| D. L. Babcock | Fowler  | Houghton   | Murdock | Squires        |
| I. H. Babcock | Frear   | Hungerford | Osgood  | Strahan        |
| Badeau        | Geib    | Husted     | Paige   | Swain          |
| Beckwith      | Goring  | Jacobs     | Peck    | M. M. Tompkins |
| Bemus         | Goss    | Judd       | Pell    | Tucker         |

|             |            |            |            |                 |
|-------------|------------|------------|------------|-----------------|
| Bennett     | Green      | Kennedy    | Pierce     | Twombly         |
| I. D. Brown | Gregory    | Kingsland  | Prince     | A. L. Van Dusen |
| Buckley     | Griffin    | Lewis      | Ray        | W. J. Van Dusen |
| Buell       | Haight     | G. D. Lord | Rice       | Vedder          |
| Burns       | Hart       | G. P. Lord | Roche      | Wells           |
| Campbell    | Haughton   | Lott       | Rose       | West            |
| Chambers    | Hawkins    | Mackay     | Shepardson | Whitbeck        |
| Cook        | J. Hayes   | Marcy      | Simson     | White           |
| Couchman    | Healy      | Moore      | Smiley     | Whitaker        |
| Crandall    | Herrick    | Morton     | Smith      | Woolsey         |
| Davidson    | A. Hill    | Moseley    | Smyth      | Yeomans         |
| Dunphy      | D. B. Hill |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 29 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Abbott        | Dunphy      | Holdridge  | Moseley | Suiper          |
| Aitken        | Dykeman     | Hollister  | Mosher  | Snyder          |
| Alvord        | Eastman     | Houghton   | Murdock | Squires         |
| D. L. Babcock | Fields      | Hungerford | Niles   | D. Tomkins      |
| Bemus         | Fowler      | Husted     | Oakley  | M. M. Tompkins  |
| Bennett       | Frear       | Jacobs     | Peck    | Tucker          |
| Blair         | Goring      | Kingsland  | Pierce  | Twombly         |
| I. D. Brown   | Green       | Knettles   | Preston | W. J. Van Dusen |
| Buckley       | Gregory     | G. D. Lord | Prince  | Vedder          |
| Buell         | Griffin     | G. P. Lord | Ray     | Wells           |
| Burns         | Hart        | Loughran   | Roche   | West            |
| Campbell      | A. L. Hayes | Lynde      | Rose    | Whitbeck        |
| Chambers      | J. Hayes    | Mackay     | Sage    | Whitaker        |
| Cook          | Healy       | Marcy      | Smiley  | Wiley           |
| Couchman      | Herrick     | Moore      | Smith   | Woodward        |
| Crandall      | A. Hill     | Morton     | Smyth   | Woolsey         |
| Davidson      |             |            |         |                 |

Those who voted in the negative, were

|               |            |         |            |                 |
|---------------|------------|---------|------------|-----------------|
| Alberger      | Geib       | Lewis   | Rice       | Swain           |
| I. H. Babcock | Haight     | Lippitt | Shepardson | A. L. Van Dusen |
| Berri         | Hawkins    | Moulton | Simson     | White           |
| Enos          | D. B. Hill | Osgood  | Speaker    | Wyman           |
| Flammer       | Judd       | Paige   | Springsted | Yeomans         |
| Fort          | Kennedy    | Pell    | Strahan    |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to regulate the ferries running from the foot of Tenth street and Twenty-third street, in the city of New York, across the East river to Green Point, in the city of Brooklyn," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a

majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 94 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Crandall   | Holdridge  | Moulton    | Springsted      |
| Aitken        | Davidson   | Hollister  | Murdock    | Squires         |
| Alberger      | Dykeman    | Houghton   | Niles      | Strahan         |
| Alvord        | Eastman    | Husted     | Osgood     | Swain           |
| D. L. Babcock | Enos       | Jacobs     | Peck       | D. Tomkins      |
| I. H. Babcock | Fields     | Kennedy    | Pell       | Tucker          |
| Badeau        | Fort       | Kingsland  | Pierce     | Twombly         |
| Beckwith      | Frear      | Knettles   | Preston    | A. L. Van Dusen |
| Bemus         | Geib       | Lewis      | Prince     | W. J. Van Dusen |
| Bennett       | Goring     | G. D. Lord | Roche      | Vedder          |
| Berri         | Goss       | G. P. Lord | Rose       | Wells           |
| I. D. Brown   | Green      | Lott       | Shepardson | Whitbeck        |
| Buckley       | Gregory    | Loughran   | Simson     | White           |
| Buell         | Griffin    | Lynde      | Smiley     | Whitaker        |
| Burns         | Haughton   | Mackay     | Smith      | Wiley           |
| Campbell      | Hawkins    | Marcy      | Smyth      | Woodward        |
| Chambers      | Healy      | Moore      | Sniper     | Wyman           |
| Cook          | A. Hill    | Morton     | Snyder     | Yeomans         |
| Couchman      | D. B. Hill | Mosher     | Speaker    |                 |

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to increase the duties of clerks of boards of supervisors," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 97 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Abbott        | Enos       | Hungerford | Murdock | Springsted      |
| Aitken        | Fields     | Husted     | Niles   | Squires         |
| Alberger      | Fort       | Jacobs     | Osgood  | Swain           |
| D. L. Babcock | Fowler     | Kennedy    | Paige   | Tobey           |
| I. H. Babcock | Geib       | Kingsland  | Peck    | D. Tomkins      |
| Baltz         | Goss       | Knettles   | Pell    | Twombly         |
| Beckwith      | Green      | Lewis      | Pierce  | A. L. Van Dusen |
| Bennett       | Gregory    | G. D. Lord | Preston | W. J. Van Dusen |
| I. D. Brown   | Griffin    | G. P. Lord | Ray     | Vedder          |
| Buell         | Haight     | Lott       | Roche   | Wells           |
| Burns         | Hart       | Loughran   | Rose    | West            |
| Campbell      | Haughton   | Lynde      | Sage    | Whitbeck        |
| Chamberlain   | Hawkins    | Mackay     | Simson  | White           |
| Chambers      | Healy      | Marcy      | Smiley  | Whitaker        |
| Cook          | Herrick    | Moore      | Smith   | Wiley           |
| Couchman      | A. Hill    | Morton     | Smyth   | Woodward        |
| Crandall      | D. B. Hill | Moseley    | Sniper  | Woolsey         |
| Davidson      | Holdridge  | Mosher     | Snyder  | Wyman           |
| Dykeman       | Hollister  | Moulton    | Speaker | Yeomans         |
| Eastman       | Houghton   |            |         |                 |

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.



The bill entitled "An act to incorporate the Lockport Driving Park Association," being announced for a third reading,

On motion of Mr. I. H. Babcock, and by unanimous consent, said bill was amended by striking out the words "by the association," in line 11 of section 8, and inserting in lieu thereof the words "as aforesaid;" and also by striking out the words "by such association" in line 12 of section 9, and inserting in lieu thereof the words "as aforesaid."

Mr. I. D. Brown then moved to recommit said bill to the committee on internal affairs, with instructions to strike out sections 14 and 15.

Debate was had thereon, when

Mr. Moseley moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the negative.

After further debate,

Mr. Speaker put the question whether the House would agree to said motion of Mr. I. D. Brown, and it was determined in the negative.

} AYES 54 {  
} NOES 59 {

Those who voted in the affirmative, were

|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| Abbott      | Goss        | Hollister  | Moulton    | Simson          |
| Alberger    | Green       | Houghton   | Murdock    | Smyth           |
| Badeau      | Gregory     | Hungerford | Osgood     | Squires         |
| Beckwith    | Griffin     | Jacobs     | Paige      | Strahan         |
| Berri       | Haight      | Kennedy    | Peck       | D. Tomkins      |
| E. E. Brown | Hawkins     | Kingsland  | Pell       | Twombly         |
| I. D. Brown | A. L. Hayes | Lewis      | Preston    | A. L. Van Dusen |
| Buckley     | Herrick     | Lippitt    | Rice       | Wells           |
| Couchman    | A. Hill     | Lott       | Rose       | Woodward        |
| Flammer     | D. B. Hill  | Mackay     | Sage       | Wyman           |
| Goring      | Holdridge   | Moore      | Shepardson |                 |

Those who voted in the negative, were

|               |          |            |            |                 |
|---------------|----------|------------|------------|-----------------|
| Aitken        | Dunphy   | Husted     | Pierce     | M. M. Tompkins  |
| Alvord        | Eastman  | Judd       | Prince     | Tucker          |
| D. L. Babcock | Enos     | Knettles   | Ray        | W. J. Van Dusen |
| I. H. Babcock | Fields   | G. D. Lord | Roche      | Vedder          |
| Bennett       | Fort     | Loughran   | Smiley     | West            |
| Buell         | Fowler   | Lynde      | Smith      | Whitbeck        |
| Burns         | Frear    | Marcy      | Sniper     | White           |
| Campbell      | Geib     | Morton     | Snyder     | Whitaker        |
| Chamberlain   | Hart     | Moseley    | Speaker    | Wiley           |
| Chambers      | Haughton | Mosher     | Springsted | Woolsey         |
| Crandall      | J. Hayes | Niles      | Swain      | Yeomans         |
| Davidson      | Healy    | Oakley     | Tobey      |                 |

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

} AYES 74 {  
} NOES 15 {

Those who voted in the affirmative, were

|          |          |             |         |         |
|----------|----------|-------------|---------|---------|
| Abbott   | Crandall | A. L. Hayes | Moseley | Squires |
| Aitken   | Davidson | J. Hayes    | Mosher  | Swain   |
| Alberger | Dunphy   | Healy       | Murdock | Tobey   |

|               |          |           |            |                 |
|---------------|----------|-----------|------------|-----------------|
| Alvord        | Eastman  | Houghton  | Niles      | M. M. Tompkins  |
| D. L. Babcock | Enos     | Husted    | Oakley     | Tucker          |
| I. H. Babcock | Fields   | Judd      | Osgood     | W. J. Van Dusen |
| Badeau        | Fowler   | Kennedy   | Peck       | Vedder          |
| Beckwith      | Frear    | Kingsland | Prince     | Wells           |
| Bennett       | Geib     | Knettles  | Ray        | West            |
| Berri         | Goring   | Lott      | Rice       | Whitbeck        |
| E. E. Brown   | Goss     | Loughran  | Roche      | White           |
| Buell         | Green    | Lynde     | Smiley     | Whitaker        |
| Burns         | Haight   | Marcy     | Smith      | Woolsey         |
| Chamberlain   | Hart     | Moore     | Sniper     | Yeomans         |
| Chambers      | Hatghton | Morton    | Springsted |                 |

Those who voted for the negative, were

|             |         |            |            |                 |
|-------------|---------|------------|------------|-----------------|
| I. D. Brown | Moulton | Rose       | Smyth      | A. L. Van Dusen |
| Gregory     | Pell    | Sage       | Speaker    | Woodward        |
| Mackay      | Preston | Shepardson | D. Tomkins | Wyman           |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

On motion of Mr. Judd, the order of business of third reading of bills was laid upon the table for the purpose of taking up the order of business of "introduction of bills."

Mr. D. B. Hill introduced a bill entitled "An act to release the interests of the State in certain lands of which Thomas Breen died seized to Margaret Breen, his widow," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the petitions of aliens.

Also, a bill entitled "An act in relation to the filing of certain claims of Ann Egbert, Mrs. C. T. Hill and Ann Egbert, John G. Wormley, Charles H. Hammond, D. L. McNulty, Martin Hammond, George W. Lovell, and Lorenzo D. Hughson," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Also, a bill entitled "An act to amend an act entitled 'An act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts and for other purposes,' passed April 20, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Eastman introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the Poughkeepsie Bridge Company for the purpose of constructing and maintaining a bridge, appurtenances, and approaches to the same over the Hudson river, at a point or points between the city of Poughkeepsie and the town of Lloyd, Ulster county, on said river,' passed May 10, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Alberger introduced a bill entitled "An act to amend the act entitled 'An act to establish regulations for the port of New York,' passed April 16, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Enos introduced a bill entitled "An act to extend the provisions of the act, chapter 113 of the Laws of 1853, entitled 'An act declaring Indian river a public highway,'" which was read the first time, and by

unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act to repeal chapter 360 of Laws of 1871, entitled 'An act to provide for the promotion of public health, and for draining overflowed lands adjoining Black lake in the counties of St. Lawrence and Jefferson, and for improving the hydraulic power at Ogdensburgh,' passed May 4, 1864, being chapter 577 of Laws of 1864, as amended by chapter 180 of Laws of 1868, passed April 7, 1871," which was read the first time, and by unanimous consent was also read the second time.

Mr. Moore then moved that said bill be referred to the Committee on the judiciary.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Said bill was referred to the committee on internal affairs.

Mr. Moseley introduced a bill entitled "An act to provide for the speedy construction of sewers in a certain portion of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Bennett introduced a bill entitled "An act to amend chapter 901, of the Laws of 1869, entitled 'An act to provide for the opening, constructing and continuing Grand street, in the city of Brooklyn, Eastern district, to the village of Newtown, Queens county, and to grade a highway to the village of Flushing,' passed May 18, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Peck introduced a bill entitled "An act in relation to the Wallabout improvement in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to authorize the extending of certain streets in the city of Brooklyn to the permanent bulk-head line, and to provide for the expenses thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to amend an act consolidating the cities of Brooklyn and Williamsburgh, and the town of Bushwick, in one municipal government, passed March 27, 1862, and an act to amend the same, passed May 12, 1865," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Berri introduced a bill entitled "An act to repeal chapter 115, of the Laws of 1871, passed March 15, 1871, and to place restrictions on appropriations and expenditures of moneys by the board of supervisors of Kings county," which was read the first time, and by unanimous consent was also read the second time, and on motion of Mr. Jacobs said bill was referred to the committee on the affairs of cities.

Also, a bill entitled "An act to create a board of commissioners of city railways, and to provide means of rapid transit in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act to repeal chapter 737, of the Laws of 1871, entitled 'An act to provide for the election of an auditor of the county of Kings, prescribing his powers and duties,' " which was read the first



time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Morton introduced a bill entitled "An act to incorporate the Citizens' Plate Glass Insurance Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

Also, a bill entitled "An act to amend an act entitled 'An act to extend and improve Tenth street, in the city of Brooklyn,' passed May 10, 1871, and to confirm proceedings thereunder," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to open and extend South Eleventh street, in the city of Brooklyn, from its present termination to Third street," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Roche introduced a bill entitled "An act to authorize the city of Brooklyn to borrow money, and also to raise money by tax to meet certain deficiencies and liabilities," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to release the interest of the people of the State of New York in certain real estate, to Elizabeth Handley," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the petitions of aliens.

Mr. Jacobs introduced a bill entitled "An act to authorize the county treasurer of Kings county to designate one of his assistants to act as deputy in his absence," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. White introduced a bill entitled "An act providing for the opening and improvement of new roads and avenues, and closing old highways in the town of New Utrecht, in Kings county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Also, An act to release to Mary McGarrity the right, title and interest of the people of the State of New York in and to certain real estate in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on petitions of aliens.

Mr. Smiley introduced a bill entitled "An act to incorporate the Moose River Improvement Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. W. J. Van Dusen introduced a bill entitled "An act to repeal chapter 287 of the Laws passed April 4, 1871, being an act to amend the law for the assessment and collection of taxes in cases where farms or lots are divided by county lines," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Campbell introduced a bill entitled "An act to authorize the extension and construction of railroad tracks in Tenth street, and other streets and avenues in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Haughton introduced a bill entitled "An act in relation to the commissioners of jurors in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Moulton introduced a bill entitled "An act in relation to the manufacture, quality and inspection of illuminating gas," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trade and manufactures.

Mr. Whitbeck introduced a bill entitled "An act to amend title 2 of chapter 7, part 2 of the Revised Statutes, relating to mortgages of goods and chattels," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act extending the cases in which writs of mandamus and of prohibition may issue," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to exempt bonds and mortgages from taxation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Also, a bill entitled "An act to repeal chapter 247, of the Laws of 1868, entitled 'An act to incorporate the Metropolitan Boat Club of the city of New York,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act relative to laying out and opening of Madison avenue north of 120th street, in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to enable 'The Shepherd's Fold of the Protestant Episcopal Church of the State of New York,' to take by grant and hold real estate to the amount of one hundred thousand dollars in value," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Also, a bill entitled "An act to amend an act entitled 'An act to incorporate the East Side Association of the city of New York,' passed May 9, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Flammer introduced a bill entitled "An act to protect the people against quackery and crime," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

Mr. Flammer moved that the usual number of copies of said bill be printed, immediately, for the use of the Legislature.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Also, a bill entitled "An act to amend chapter 500 of the Laws of 1863, entitled 'An act to secure the payment of mechanics, laborers, and persons furnishing materials towards the erection, altering, or repairing of buildings in the city of New York,' passed May 5, 1863," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act releasing the interest of the State in certain lands of which Michael Dunn died seized to Timothy Baldwin, Jr.," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the petitions of aliens.

Also, a bill entitled "An act to amend chapter 539 of the Laws of 1870, entitled 'An act in relation to jurors in the city and county of New York,' passed May 2, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act in relation to the Ninth regiment, National Guards, of the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Also, a bill entitled "An act to amend and consolidate into one act the various acts relative to common schools in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

Mr. Swain introduced a bill entitled "An act to extend the time for organizing the Niagara Water-works Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Hungerford introduced a bill entitled "An act to incorporate the Utica Park Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

Mr. Alvord introduced a bill entitled "An act to incorporate St. Agnes Cemetery of Syracuse," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Burns introduced a bill entitled "An act to incorporate the Onondaga County Milk Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

Mr. Fort introduced a bill entitled "An act regulating the business of savings banks in this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Also, a bill entitled "An act to repeal chapter 321, of the Laws of 1870, entitled 'An act to provide for the appraisal of canal claims against said State,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Also, a bill entitled "An act to repeal chapter 668, of the Laws of 1871, entitled 'An act to provide for the payment of counsel required to be employed on behalf of the State in pursuance of the provisions of section 2 of chapter 321 of the Laws of 1870,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Also, a bill entitled "An act granting jurisdiction to the United States over a certain piece of land within this State, to be occupied as a site for offices and storehouses, in the construction, repair and maintenance of a pier for the formation of a harbor at Oswego, New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on federal relations.

Mr. Prince introduced a bill entitled "An act to provide for supplying



the village of Flushing, Queens county, with pure and wholesome water," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Oakley introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the Long Island City and Calvary Cemetery Railroad Company,' passed April 21, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Judd introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the village of New Brighton,' passed April 26, 1866, and an act amending the same passed April 22, 1867, and also an act amending the same passed April 27, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Judd introduced a bill entitled "An act to amend an act entitled 'An act to provide for the mode and manner of electing town and other officers at the annual elections to be held in and for the several towns in the county of Richmond, and to legalize the election of town officers elected at the annual election held in the several towns of said county the 7th day of June, 1870,' passed January 31, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Marcy introduced a bill entitled "An act to incorporate the Fire Island Hotel, and establish ferries across Fire Island or Great South Bay in Suffolk county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Also, a bill entitled "An act to incorporate the Riverhead Savings Bank," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Mr. Buckley introduced a bill entitled "An act to divide the county of Sullivan into two school commissioner districts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

Also, a bill entitled "An act to amend an act entitled 'An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defense, and entitled the Military Code,' passed March 17, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the militia.

Mr. Woolsey introduced a bill entitled "An act to amend an act entitled 'An act fixing the fees of justices of the peace and constables, in civil and criminal cases, and the fees of jurors and witnesses in justices courts, and for other purposes,' passed April 20, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Loughran introduced a bill entitled "An act supplementary to chapter 29 of the Laws of 1865, in relation to the payment of bounties," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Mr. Whitaker introduced a bill entitled "An act exempting the town of Rochester, in the county of Ulster, from bonding for railroad purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Niles introduced a bill entitled "An act to authorize the board of town officers of the town of West Farms, in the county of Westchester, to issue certificates of indebtedness," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to authorize the formation of companies for the erection of buildings,' passed April 5, 1853, passed May 10, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend an act entitled 'An act in relation to the receiver of tax s for the town of Morrisania,' passed April 28, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act to amend an act entitled 'An act fixing the time for the holding of elections for the election of trustees, town officers and members of the board of education of the school districts of the town of Morrisania, county of Westchester, and for regulating such elections,' passed March 12, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

Mr. Husted introduced a bill entitled "An act to provide for supplying the village of Peekskill with water, and authorizing the issue of bonds therefor, and to create a board of water commissioners," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Badeau introduced a bill entitled "An act to amend an act entitled 'An act in relation to the bonded debt of the town of East Chester, county of Westchester, passed April 19, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act to incorporate the New Rochelle Maen-nerchor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Davidson introduced a bill entitled "An act to authorize the various towns throughout the State which shall have an excess of money accruing from the excise law to expend the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. G. D. Lord introduced a bill entitled "An act in relation to the location and erection of public buildings for the use of the city of Rochester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Eastman introduced a bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to provide for a supply of water in the city of Poughkeepsie, and for sewers therein,' passed April 12, 1867, passed April 9, 1870, and to amend section 1, of chapter 594 of the Laws of 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to change the name of the first Congregational church and society of Poughkeepsie," which was read the first

time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Judd gave notice that at some future day he would move to suspend rule forty-two for the purpose of acting without delay on the bill entitled "An act to provide for the mode and manner of electing town and other officers in Richmond county."

Mr. Buckley moved that the House now adjourn.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act to confirm the title of Horace T. Cook to the office of a justice of the peace, and to legalize his official acts as such justice of the peace," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to provide for the rehearing by the Comptroller of the appeal in the matter of the town of Floyd, in the county of Oneida, against the board of supervisors of said county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to facilitate the construction of the Lake Ontario Shore railroad, and to amend the several acts in relation thereto,' passed March 17, 1871," which was read the first time, and by unanimous consent was also read the second time.

Mr. Hart then moved that said bill be referred to the committee on the judiciary.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Said bill was referred to the committee on railroads.

"An act to incorporate the Delhi Water Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act authorizing the election of a police justice in the town of Newtown, Queens county, and prescribing his duties and compensation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

A message from the Senate was received and read, informing of concurrence in the passage of the bill entitled as follows:

"An act to confirm orders of the court of general sessions of the peace in and for the city and county of New York, continuing the last November term thereof; and to define the construction of chapter 10 of the Laws of 1862, entitled 'An act to empower the court of the general sessions of the peace, in and for the city and county of New York, to extend its terms and to authorize its adjournments.'"

*Ordered,* That the Clerk deliver said bill to the Governor.

Leave of absence was granted to Messrs. Foley and Lott indefinitely, on account of sickness, and to Mr. Fort indefinitely.

On motion of Mr. Loughran, at 2 o'clock and 30 minutes, the House adjourned.



## THURSDAY, JANUARY 25, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Darling.

The journal of yesterday was read and approved.

By unanimous consent, and on motion of Mr. Alvord,

*Resolved*, That the Clerk of the Assembly be directed to procure four (4) copies of the Laws of 1848, and two (2) copies each of the Laws of 1852, 1853 and 1861, to be placed in the Assembly library for the use of the Assembly.

By unanimous consent, and on motion of Mr. Loughran,

*Resolved*, That the usual number of copies of "An act to establish a board of health and of vital statistics in the county of Richmond, and to define its powers and duties," be printed forthwith.

By unanimous consent, and on motion of Mr. Smith,

*Resolved*, That the petition and papers now on file with the Regents of the University relating to the claim of Thomas J. Strong, be taken therefrom and referred to the committee on claims.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act in relation to Columbia College, in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

"An act to relieve juvenile delinquents from certain disqualifications," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act relative to lands in the city of Brooklyn, county of Kings, devised in and by the last will and testament of Leffert Lefferts, deceased, to Elizabeth Dorothea Brevoort, for and during her natural life," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

This being the day assigned by the rules for the consideration of the general orders, the House resolved itself into a committee of the whole on the bills entitled as follows:

"An act to provide for the joint purchase of a steam fire-engine in the villages of Tonawanda, Erie county, and North Tonawanda, Niagara county, and for the more effectual protection of said villages against fires."

"An act to provide for the formation of free public libraries."

"An act relating to the settling, signing and sealing of bills of exceptions in criminal cases."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Sage, from said committee, reported progress on the first mentioned bill, and asked and obtained leave to sit again.

Mr. Sage, from said committee, also reported in favor of the passage of said second and third mentioned bills, the second mentioned with amendments; which report was agreed to, and said bills ordered engrossed for a third reading.

The House again resolved itself into a committee of the whole on the bills entitled as follows :

"An act concerning the appointment of notaries public, and to legalize the acts of such as have removed from one county to another."

Senate, "An act to amend an act entitled 'An act to establish a recorder's court in the city of Utica, and for other purposes,' passed May 7, 1844."

"An act to amend an act entitled 'An act to incorporate the Port Chester Savings Bank,' passed March 14, 1865."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Ray, from said committee, reported in favor of the passage of said first and third mentioned bills; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Ray, from said committee, also reported in favor of the passage of said second mentioned bill; which report was agreed to, and said bill ordered to a third reading.

Mr. Wiley presented a petition of the trustees of Aurora Academy for the increase of the literature fund; which was read and referred to the committee on ways and means.

Mr. Kennedy presented ten petitions of citizens of the towns of Ossian and Dansville, Livingston county, against a division of the town of Ossian, and setting a part thereof into the county of Allegany; which were read and referred to the committee on civil divisions.

Mr. Goss presented a petition of the town board of the town of Perinton, praying for relief from canal damages to property of said town; which was read and referred to the committee on claims.

Mr. Badeau presented a petition requiring the New Haven Railroad Company to reduce the fare and increase the number of trains on said railroad; which was read and referred to the committee on railroads.

Mr. Burns presented a petition of ninety-seven citizens of the village of Skaneateles, Onondaga county, in favor of a revision of their charter; which was read and referred to the committee on the affairs of villages.

Mr. Whitbeck presented a remonstrance of the East Side Association of the city of New York, against the running of palace cars on Third avenue railroad, also against any increase of passenger fare on said road; which was read and referred to the committee on railroads.

Mr. Buckley presented a petition of citizens of Sullivan county, for the application of the taxes hereafter assessed upon the New York and Oswego Midland Railroad Company, in payment of interest and principal to become due on the bonds issued to aid in the construction of said road; which was read and referred to the committee on railroads.

Messrs. Smyth, Davidson, Goss, G. D. Lord, Vedder and Crandall presented remonstrances against placing the Erie railway under the control of a British monopoly; which were read and referred to the committee on railroads.

Mr. Swain presented a petition of electors and tax-payers of the town of Royalton, Niagara county, in favor of an act to allow the electors of said town to vote in favor or against releasing the bail of Fernando Hinchey from judgment obtained against them by the supervisor of said town; which was read and referred to the committee on internal affairs.

Mr. Alvord, from the committee on ways and means, to which was referred the petition of John Whitman, praying for an appropriation of twenty thousand dollars for the destruction of the sloop "Anna L. Whit-

man," and for his expenses in prosecuting his claims in court; reported adversely thereto, which report was agreed to.

Mr. Green, from the committee on commerce and navigation, to which was referred the bill entitled "An act to amend the act entitled 'An act for the incorporation of companies formed to navigate the lakes and rivers,'" passed April 15, 1854, reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lippitt, from the committee on insurance, to which was referred the bill entitled "An act to amend section 10 of chapter 739 of the Laws of 1857, entitled 'An act to authorize the formation of town insurance companies,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lippitt, from the committee on insurance, to which was referred the Senate bill entitled "An act to change the name of the Mutual Protection Life Assurance Society, and provide for an increase of its capital," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Enos, from the committee on internal affairs, to which was referred the bill entitled "An act to extend the provisions of chapter 113 of the Laws of the year 1853, entitled 'An act declaring Indian river a public highway,'" reported in favor of the passage of the same, which report was agreed to.

On motion of Mr. Enos, and by unanimous consent, said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 3 }

Those who voted in the affirmative, were

|               |             |            |            |                |
|---------------|-------------|------------|------------|----------------|
| Abbott        | Fowler      | Kennedy    | Pell       | Swain          |
| Alvord        | Green       | Kingsland  | Pierce     | Tobey          |
| D. L. Babcock | Greenhalgh  | Knettles   | Preston    | D. Tomkins     |
| I. H. Babcock | Gregory     | Lewis      | Prince     | M. M. Tompkins |
| Bennett       | Griffin     | Lippitt    | Rice       | Tucker         |
| E. E. Brown   | Haight      | G. D. Lord | Roche      | Twombly        |
| I. D. Brown   | Hawkins     | G. P. Lord | Rose       | Vedder         |
| Buell         | A. L. Hayes | Loughran   | Simson     | Wells          |
| Burns         | Healy       | Lynde      | Smiley     | West           |
| Burritt       | Herrick     | Mackay     | Smith      | Whitbeck       |
| Cook          | D. B. Hill  | Marcy      | Smyth      | White          |
| Crandall      | Holdridge   | Moore      | Sniper     | Whitaker       |
| Davidson      | Hollister   | Mosher     | Speaker    | Woolsey        |
| Dykeman       | Houghton    | Murdock    | Springsted | Wyman          |
| Eastman       | Hungerford  | Paige      | Squires    | Yeomans        |
| Enos          | Jacobs      | Peck       | Strahan    |                |

Those who voted in the negative, were

Buckley      Chamberlain      Wiley

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Lynde, from the committee on internal affairs, to which was



referred the bill entitled "An act to amend an act entitled 'An act to authorize the drainage of marsh lands,' passed June 9, 1868, and the act amendatory thereof, passed April 22, 1869," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to provide for raising by tax on the taxable property in the town of Kingsbury, Washington county, money to be applied toward the construction of a new court-house in the village of Sandy Hill, in said town," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to legalize and confirm the election of Harrison Clute as superintendent of the poor of the county of Schenectady," reported in favor of the passage of the same; which report was agreed to, and said bill ordered replaced on the calendar of third reading of bills.

Mr. Lynde, from the committee on internal affairs, to which was referred the Senate bill entitled "An act to authorize the town of Herkimer, Herkimer county, to issue bonds upon its credit for the purpose of raising money to be contributed toward building a new court-house for said county in said town," reported in favor of the passage of the same, which report was agreed to.

On motion of Mr. Rice, and by unanimous consent, said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

} AYES 91 }  
} NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Eastman     | Hollister  | Murdock    | Strahan         |
| Aitken        | Enos        | Houghton   | Niles      | Swain           |
| Alberger      | Flammer     | Hungerford | Osgood     | Tobey           |
| Alvord        | Fowler      | Husted     | Peck       | D. Tomkins      |
| D. L. Babcock | Goss        | Kennedy    | Pierce     | M. M. Tompkins  |
| I. H. Babcock | Green       | Kingsland  | Preston    | Tucker          |
| Badeau        | Greenhalgh  | Knettles   | Prince     | Twombly         |
| Bennett       | Gregory     | Lewis      | Ray        | A. L. Van Dusen |
| Berri         | Griffin     | Lippitt    | Rice       | Vedder          |
| I. D. Brown   | Haight      | G. D. Lord | Roche      | Wells           |
| Buckley       | Hart        | G. P. Lord | Rose       | West            |
| Buell         | Hawkins     | Loughran   | Simson     | Whitbeck        |
| Burritt       | A. L. Hayes | Mackay     | Smiley     | White           |
| Chamberlain   | Healy       | Marcy      | Smith      | Whitaker        |
| Cook          | Herrick     | Moore      | Smyth      | Woodward        |
| Couchman      | A. Hill     | Moseley    | Sniper     | Woolsey         |
| Crandall      | D. B. Hill  | Mosher     | Springsted | Wymen           |
| Davidson      | Holdridge   | Moulton    | Squires    | Yeomans         |
| Dykeman       |             |            |            |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

On motion of Mr. A. L. Hayes, and by unanimous consent, the commit-

tee of the whole was discharged from the further consideration of the Senate bill entitled "An act to incorporate the Association of the Bar of Oneida county," and said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

} AYES 79 }  
 } NOES 1 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Abbott        | Couchman    | D. B. Hill | Moulton | D. Tomkins      |
| Aitken        | Crandall    | Holdridge  | Murdock | M. M. Tompkins  |
| Alberger      | Davidson    | Hollister  | Niles   | Tucker          |
| Alvord        | Dykeman     | Houghton   | Peck    | Twombly         |
| D. L. Babcock | Enos        | Hungerford | Pierce  | A. L. Van Dusen |
| I. H. Babcock | Goring      | Husted     | Preston | W. J. Van Dusen |
| Badeau        | Goss        | Kennedy    | Ray     | Vedder          |
| Bennett       | Green       | Kingsland  | Rice    | Wells           |
| Berri         | Greenhalgh  | Knettles   | Simson  | West            |
| I. D. Brown   | Gregory     | Lippitt    | Smith   | Whitbeck        |
| Buckley       | Griffin     | G. D. Lord | Smyth   | White           |
| Buell         | Haight      | G. P. Lord | Sniper  | Whitaker        |
| Burns         | Hart        | Loughran   | Speaker | Wiley           |
| Burritt       | Hawkins     | Mackay     | Strahan | Woolsey         |
| Chamberlain   | A. L. Hayes | Marcy      | Swain   | Yeomans         |
| Cook          | Herrick     | Mosher     | Tobey   |                 |

For the negative.

Pell

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

Mr. Loughran, from the committee on public health, to which was referred the bill entitled "An act to amend the Revised Statutes in relation to reports of death to the public administrator," reported in favor of the passage of the same with amendments; which report was agreed to and said bill committed to the committee of the whole.

Mr. Loughran, from the committee on public health, to which was referred the Senate bill entitled "An act to amend an act entitled 'An act to incorporate the Manhattan Dispensary of the city of New York,' passed May 6, 1870," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to authorize the trustees of the village of Clyde, Wayne county, to raise, by tax, the sum of twelve hundred dollars wherewith to pay the indebtedness existing against said village," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to provide for supplying the village of Flushing, Queens county, with pure and wholesome water," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the Senate bill entitled "An act to repeal section two of an act entitled 'An act to further amend the charter of the village of Albion, in

the county of Orleans,' passed April 27, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to establish the rates of toll on the Western plank-road in the counties of Franklin and Clinton," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to repeal chapter 808 of the Laws of 1870, entitled 'An act to maintain the bridges of Oneida, Oswego, and Salmon rivers, in Oswego county,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the county treasurer of Kings county to designate one of his assistants to act as deputy in his absence," reported in favor of the passage of the same, with amendments, which report was agreed to.

On motion of Mr. White, and by unanimous consent, said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

) AYES 89 (

) NOES 4 (

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Enos       | Hungerford | Osgood     | Strahan         |
| Aitken        | Fowler     | Husted     | Peck       | Swain           |
| Alvord        | Goring     | Jacobs     | Pell       | Tobey           |
| D. L. Babcock | Goss       | Kennedy    | Pierce     | D Tomkins       |
| I. H. Babcock | Green      | Kingsland  | Preston    | M. M. Tompkins  |
| Badeau        | Greenhalgh | Knettles   | Prince     | Twombly         |
| Bennett       | Gregory    | Lewis      | Ray        | A. L. Van Dusen |
| Berri         | Griffin    | Lippitt    | Rice       | W. J. Van Dusen |
| Buell         | Haight     | G. D. Lord | Roche      | Vedder          |
| Burns         | Hart       | G. P. Lord | Rose       | West            |
| Burritt       | Hawkins    | Loughran   | Sage       | Whitbeck        |
| Campbell      | Healy      | Mackay     | Simson     | White           |
| Chamberlain   | Herrick    | Marcy      | Smiley     | Whitaker        |
| Couchman      | A. Hill    | Moseley    | Smith      | Wiley           |
| Crandall      | D. B. Hill | Mosher     | Smyth      | Woolsey         |
| Davidson      | Holdridge  | Moulton    | Sniper     | Wyman           |
| Dykeman       | Hollister  | Murdock    | Springsted | Yeomans         |
| Eastman       | Houghton   | Niles      | Squires    |                 |

Those who voted in the negative, were

I. D. Brown      Moore      Oakley      Speaker

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Niles, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the election of an additional justice of the peace in the town of Manlius, in the county of Onondaga," reported in favor of the passage of the same, with amendments; which report was agreed to and said bill committed to the committee of the whole.



Mr. Prince, from the committee on the judiciary, to which was referred the petition of Thomas P. Burd, praying that the Legislature will pass a prize lottery law in the interest of those that suffered at Chicago by the late fire, reported adversely thereto, which report was agreed to.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act amending an act for the protection of purchasers of real estate upon sales made by order of surrogate, passed March 23, 1850," reported in favor of the passage of the same, with amendments; and title amended so as to read as follows: "An act amending an act entitled an act to amend an act passed March 23, 1850, entitled an act for the protection of purchasers of real estate upon sales by order of surrogates, passed April 20, 1869," which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to amend section 119, of title 4, chapter 2, part 3, of the Revised Statutes," reported adversely thereto, which report was agreed to.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the village of Silver Creek, in the county of Chautauqua, to purchase, hold, use and convey certain real estate, and to legalize proceedings relative thereto," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the Senate bill entitled "An act providing for appeals from the decision of county superintendents of the poor," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the Senate bill entitled "An act to legalize and confirm the acts and proceedings of Henry C. Duryea, as special surrogate of the county of Orange," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the Senate bill entitled "An act to confirm the title of Horace T. Cook to the office of justice of the peace, and to legalize his official acts as such justice of the peace," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, asked to be discharged from the further consideration of the petition of Joseph Philbrick and Milo M. Spicer, and that it be referred to the committee on claims.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The bill entitled "An act to legalize and confirm the election of Harrison Clute as superintendent of the poor of the county of Schenectady," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 75 }  
{ NOES 29 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Enos        | Houghton   | Peck       | Tobey           |
| Alvord        | Flammer     | Hungerford | Preston    | D. Tomkins      |
| D. L. Babcock | Fowler      | Husted     | Prince     | Twombly         |
| I. H. Babcock | Goring      | Judd       | Rice       | A. L. Van Dusen |
| Badeau        | Goss        | Kennedy    | Rose       | W. J. Van Dusen |
| Bennett       | Green       | Kingsland  | Shepardson | Vedder          |
| Berri         | Greenhalgh  | Knettles   | Smiley     | Wells           |
| E. E. Brown   | Gregory     | Lewis      | Smith      | West            |
| I. D. Brown   | Griffin     | Lippitt    | Smyth      | Whitbeck        |
| Burns         | Haight      | Mackay     | Sniper     | White           |
| Burritt       | Hawkins     | Moore      | Speaker    | Whitaker        |
| Crandall      | A. L. Hayes | Morton     | Springsted | Woodward        |
| Davidson      | Herrick     | Moulton    | Squires    | Woolsey         |
| Dykeman       | D. B. Hill  | Murdock    | Strahan    | Wyman           |
| Eastman       | Hollister   | Niles      | Swain      | Yeomans         |

Those who voted in the negative, were

|             |          |            |         |                |
|-------------|----------|------------|---------|----------------|
| Aitken      | Cook     | A. Hill    | Moseley | Roche          |
| Alberger    | Couchman | Holdridge  | Mosher  | Sage           |
| Buckley     | Dunphy   | Jacobs     | Oakley  | Simson         |
| Buell       | Hart     | G. D. Lord | Pell    | M. M. Tompkins |
| Campbell    | Houghton | Loughran   | Pierce  | Wiley          |
| Chamberlain | Healy    | Marcy      | Ray     |                |

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to repeal section 43 of chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |           |            |                 |
|---------------|------------|-----------|------------|-----------------|
| Abbott        | Enos       | Husted    | Niles      | Squires         |
| Aitken        | Flammer    | Jacobs    | Oakley     | Strahan         |
| Alberger      | Fowler     | Judd      | Osgood     | Swain           |
| Alvord        | Goring     | Kennedy   | Peck       | M. M. Tompkins  |
| D. L. Babcock | Goss       | Kingsland | Pell       | Twombly         |
| I. H. Babcock | Green      | Knettles  | Pierce     | A. L. Van Dusen |
| Badeau        | Greenhalgh | Lewis     | Preston    | W. J. Van Dusen |
| Bennett       | Gregory    | Lippitt   | Prince     | Vedder          |
| E. E. Brown   | Griffin    | Mackay    | Rice       | Wells           |
| Buckley       | Haight     | Marcy     | Rose       | West            |
| Burritt       | Hawkins    | Moore     | Sage       | Whitbeck        |
| Campbell      | Herrick    | Morton    | Shepardson | Whitaker        |
| Couchman      | A. Hill    | Moseley   | Simson     | Woodward        |
| Crandall      | D. B. Hill | Mosher    | Smyth      | Woolsey         |
| Davidson      | Holdridge  | Moulton   | Sniper     | Wyman           |
| Dykeman       | Hollister  | Murdock   | Speaker    | Yeomans         |
| Eastman       | Houghton   |           |            |                 |

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to repeal section 27 of chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871, and to amend section 21 of said act," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 77 }  
{ NOES 5 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Enos       | Hungerford | Osgood     | Springsted      |
| Alvord        | Flammer    | Husted     | Peck       | Squires         |
| D. L. Babcock | Fowler     | Jacobs     | Pell       | Strahan         |
| I. H. Babcock | Goss       | Kennedy    | Pierce     | Swain           |
| Badeau        | Green      | Kingsland  | Preston    | Twombly         |
| Bennett       | Greenhalgh | Knettles   | Prince     | A. L. Van Dusen |
| Berri         | Gregory    | Lewis      | Rice       | W. J. Van Dusen |
| E. E. Brown   | Griffin    | Lippitt    | Rose       | Vedder          |
| I. D. Brown   | Hawkins    | Loughran   | Sage       | Wells           |
| Burns         | Healy      | Mackay     | Shepardson | Whitbeck        |
| Cook          | Herrick    | Moore      | Simson     | White           |
| Couchman      | A. Hill    | Morton     | Smiley     | Whitaker        |
| Crandall      | D. B. Hill | Moulton    | Smyth      | Woodward        |
| Davidson      | Holdridge  | Murdock    | Sniper     | Woolsey         |
| Dunphy        | Hollister  | Niles      | Speaker    | Yeomans         |
| Dykeman       | Houghton   |            |            |                 |

Those who voted in the negative, were

|         |        |     |       |                |
|---------|--------|-----|-------|----------------|
| Moseley | Oakley | Ray | Roche | M. M. Tompkins |
|---------|--------|-----|-------|----------------|

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to widen and improve a portion of Washington avenue, in the city of Brooklyn, and extend the same into the town of Flatbush,' passed April 23, 1870," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| Abbott        | Flammer     | Husted    | Osgood     | Springsted      |
| Aitken        | Fowler      | Jacobs    | Peck       | Squires         |
| Alberger      | Goring      | Judd      | Pell       | Strahan         |
| Alvord        | Goss        | Kennedy   | Pierce     | Swain           |
| I. H. Babcock | Green       | Kingsland | Preston    | Twombly         |
| Badeau        | Greenhalgh  | Knettles  | Prince     | A. L. Van Dusen |
| Bennett       | Griffin     | Lewis     | Ray        | W. J. Van Dusen |
| Berri         | Hart        | Mackay    | Rice       | Vedder          |
| E. E. Brown   | Hawkins     | Marcy     | Roche      | Wells           |
| Buckley       | A. L. Hayes | Moore     | Rose       | West            |
| Burritt       | Herrick     | Morton    | Sage       | Whitbeck        |
| Campbell      | A. Hill     | Moseley   | Shepardson | White           |
| Couchman      | D. B. Hill  | Mosher    | Simson     | Whitaker        |



|          |            |         |         |          |
|----------|------------|---------|---------|----------|
| Crandall | Holdridge  | Moulton | Smiley  | Woodward |
| Davidson | Hollister  | Murdock | Smyth   | Woolsey  |
| Dunphy   | Haughton   | Niles   | Sniper  | Wyman    |
| Dykeman  | Hungerford | Oakley  | Speaker | Yeomans  |
| Enos     |            |         |         |          |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to amend an act entitled 'An act to establish a recorder's court in the city of Utica, and for other purposes,' passed May 7, 1844," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| Aitken        | Goring      | Judd      | Osgood     | Squires         |
| Alberger      | Goss        | Kennedy   | Peck       | Strahan         |
| Alvord        | Green       | Kingsland | Pell       | Swain           |
| D. L. Babcock | Greenhalgh  | Knettles  | Pierce     | Tucker          |
| I. H. Babcock | Gregory     | Lewis     | Preston    | Twombly         |
| Badeau        | Hart        | Lippitt   | Prince     | A. L. Van Dusen |
| E. E. Brown   | Hawkins     | Loughran  | Ray        | W. J. Van Dusen |
| I. D. Brown   | A. L. Hayes | Mackay    | Rice       | Vedder          |
| Buckley       | Healy       | Marcy     | Roche      | Wells           |
| Cook          | Herrick     | Moore     | Rose       | West            |
| Couchman      | A. Hill     | Morton    | Simson     | Whitbeck        |
| Crandall      | Holdridge   | Mosher    | Smiley     | White           |
| Davidson      | Hollister   | Moulton   | Smyth      | Whitaker        |
| Dykeman       | Houghton    | Murdock   | Sniper     | Woolsey         |
| Enos          | Hungerford  | Niles     | Speaker    | Wyman           |
| Flammer       | Jacobs      | Oakley    | Springsted | Yeomans         |
| Fowler        |             |           |            |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

Mr. Mosher introduced a bill entitled "An act for the relief of Joseph Philbrick and Milo M. Spicer," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

Mr. Springsted introduced a bill entitled "An act to incorporate the proprietors of the Albany pier, and to provide for their powers and duties," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Preston introduced a bill entitled "An act to release the escheated lands of Robert Davis, deceased," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the petitions of aliens.

Mr. Kingsland introduced a bill entitled "An act to incorporate the Protection Hose Association of the village of Plattsburgh," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Wiley introduced a bill entitled "An act to provide for the safety of life and property, and to regulate the liability of railroad companies to servants and employes," which was read the first time, and by unani-

mous consent was also read the second time, and referred to the committee on railroads.

Mr. Moseley introduced a bill entitled "An act for the relief of the Coney Island and Brooklyn Railroad Companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Berri introduced a bill entitled "An act to repeal chapter 877 of the Laws of 1871, and to provide for the transfer of the duties of the registrar of arrears of taxes to the collector of taxes and assessments of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to secure greater protection to passengers on city railroad cars," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act to amend section 3 of chapter 533 of the Laws of 1867, entitled 'An act for the relief of the Van Brunt Street and Erie Basin Railroad Company,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act to amend an act entitled 'An act more effectually to suppress gambling,' passed July 10, 1851," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Bennett introduced a bill entitled "An act relating to the New York and Long Island Ferry Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Mackay introduced a bill entitled "An act to incorporate the New York Warehouse and Railway Company, and to provide improved wharves and warehouses in the city of New York, and also adequate means for the transportation of freight and passengers within the city of New York and county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Hawkins introduced a bill entitled "An act to ascertain, by proper proofs, who are entitled to vote upon certificates of naturalization, purporting to have been issued within the city and county of New York, by the supreme court, during the month of October, in the years 1868, 1869, 1870 and 1871, and by the superior court during the months of September and October of said years," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Whitbeck introduced a bill entitled "An act to amend an act to incorporate the Industrial Exhibition Company, and to authorize said company to purchase real estate in the city of New York, and to erect a building or buildings which shall be used as an 'Industrial Exhibition,' passed April 21, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Hungerford introduced a bill entitled "An act to amend an act entitled 'An act to amend an act to incorporate the Savings Bank of the

City of Utica,' passed April 26, 1839, passed April 11, 1870," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on banks.

Mr. Swain introduced a bill entitled "An act for the relief of John N. Dunn and Eliphalet J. Swain," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Burns introduced a bill entitled "An act to amend an act to condense and amend the several acts incorporating or relating to the village of Skaneateles, passed April 16, 1857; and to repeal an act entitled 'An act to amend an act entitled 'An act to condense and amend the several acts incorporating or relating to the village of Skaneateles,' passed March 25, 1867,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Sniper introduced a bill entitled "An act to legalize the proceedings of certain commissioners appointed for the drainage of wet lands in Onondaga county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Oakley introduced a bill entitled "An act to abolish tolls on the road of the Williamsburgh and Cypress Hill Macadamized Railroad Company in the counties of Kings and Queens, and to provide compensation therefor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Osgood introduced a bill entitled "An act to establish a capital police district, and to provide for the government thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Rose introduced a bill entitled "An act for the preservation of wild game," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Greenhalgh introduced a bill entitled "An act to legalize the action of the board of supervisors of the county of Schenectady, designating the day of holding town meetings in the county of Schenectady, and to make the day of charter election in the city of Schenectady uniform therewith," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to change the town lines of the towns of Duanesburgh and Princeton, in the county of Schenectady," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on civil divisions.

Also, a bill entitled "An act to change the boundary line between the counties of Albany and Schenectady, and for the erection of a new town in said county of Schenectady," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on civil divisions.

Mr. Murdock introduced a bill entitled "An act to limit the amount to be paid to the Hornell Library Association to five hundred dollars, and to amend chapter 549 of the Laws of 1869," which was read the first



time, and by unanimous consent was also read the second time, and referred to the committee on public education.

Mr. Buckley introduced a bill entitled "An act providing for the application of the taxes hereafter assessed upon the New York and Oswego Midland Railroad Company, in the town of Thompson, Sullivan county, for town purposes in payment of interest and principal to become due on the bonds executed or hereafter to be issued by the town of Bethel, and like bonds issued or to be issued by the village of Monticello, to aid in the construction of the New York and Oswego Midland railroad, and its branches, and to provide for the deficiency of town taxes occasioned thereby," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Loughran introduced a bill entitled "An act in relation to the board of town auditors, poor-masters, and collector of the town of Kingston, Ulster county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Niles introduced a bill entitled "An act to amend an act entitled 'An act to create a board of trustees for the town of Morrisania, in the county of Westchester, and to define their powers,' passed April 22, 1864, and the acts amending the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Wells introduced a bill entitled "An act to authorize the extension of the time for the collection of taxes in the several towns and cities in this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. D. Tompkins introduced a bill entitled "An act to amend the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Oakley introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the Bushwick and Newtown Bridge and Turnpike Road Company,' passed April 26, 1836," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

On motion of Mr. White,

*Resolved*, That the bill entitled "An act to amend chapter 254 of the Laws of 1867, entitled 'An act in relation to railroads held under lease,' passed April 3, 1867, and to extend the same," be recommitted to the committee on railroads.

On motion of Mr. Lippitt,

*Resolved*, That a respectful message be sent to the Honorable the Senate, asking the return of the papers on file concerning the claim of Gerrit Smith, Jonathan D. Ledyard and the personal representatives of Hamilton Murray, deceased, and that when received they be referred to the committee on claims.

On motion of Mr. Alvord,

*Resolved*, That the Clerk of this House inquire into the matter of the delay of the public printer in printing the general order bills of this House, and report to the House, through his honor the Speaker, the excuse, if any, therefor.

On motion of Mr. Healey,

*Resolved*, That the street cleaning commission of the city of New York be and they are hereby required and directed to report to this House, within fifteen days, what contract or contracts have been issued since the organization of said commission, and of the contract or contracts now in existence, with whom said contract or contracts have been made, and what the prices were of said contract or contracts, and how much has been paid to said contractors.

Mr. Husted offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That two hundred and fifty copies of the report of the Canal Appraisers, made under a resolution of the Assembly of January 11, 1872, be printed, with paper covers, for the use of the Canal Appraisers.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Peck offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That when this House adjourns on Friday, 26th, it adjourns to meet on Monday evening, 29th, at 7½ o'clock.

Said resolution giving rise to debate,

*Ordered*, That the same be laid on the table.

Mr. Prince called from the table the resolution previously offered by him, in the words following:

*Resolved*, That the daily sessions of the Assembly hereafter commence at 10 o'clock A. M.

Debate was had thereon, when

Mr. Alvord moved to lay said resolution upon the table.

Mr. Speaker put the question whether the House would agree to said motion to lay on the table, and it was determined in the affirmative.

{ AYES 54 }  
{ NOES 35 }

Those who voted in the affirmative, were

|             |             |           |            |                 |
|-------------|-------------|-----------|------------|-----------------|
| Alberger    | Davidson    | A. Hill   | Oakley     | Squires         |
| Alvord      | Dunphy      | Hollister | Osgood     | Strahan         |
| Bennett     | Fowler      | Husted    | Peck       | M. M. Tompkins  |
| Berri       | Goring      | Jacobs    | Pierce     | Tucker          |
| I. D. Brown | Goss        | Kennedy   | Ray        | Twombly         |
| Buckley     | Greenhalgh  | Knettles  | Rice       | A. L. Van Dusen |
| Buell       | Gregory     | Lippitt   | Sage       | W. J. Van Dusen |
| Burns       | Griffin     | Moore     | Shepardson | West            |
| Burritt     | Hart        | Mosher    | Smiley     | Wiley           |
| Chamberlain | A. L. Hayes | Murdock   | Sniper     | Yeomans         |
| Crandall    | Healy       | Niles     | Speaker    |                 |

Those who voted in the negative, were

|               |            |            |         |          |
|---------------|------------|------------|---------|----------|
| Aitken        | Herrick    | Lewis      | Paige   | Vedder   |
| I. H. Babcock | D. B. Hill | G. P. Lord | Pell    | Wells    |
| E. E. Brown   | Holdridge  | Loughran   | Preston | Whitbeck |
| Couchman      | Houghton   | Mackay     | Prince  | White    |
| Enos          | Hungerford | Morton     | Rose    | Whitaker |
| Haight        | Judd       | Moseley    | Simson  | Woodward |
| Hawkins       | Kingsland  | Moulton    | Swain   | Woolsey  |

Mr. Goring offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the postmaster of this House be and hereby is authorized to affix postage stamps to all letters written by members and officers

of this House that may be deposited with him; said postage to be paid from the appropriation made by the House for postage.

Said resolution giving rise to debate,

*Ordered*, That the same be laid on the table.

Mr. D. B. Hill offered for the consideration of the House a resolution, in the words following, to wit:

*Whereas*, Charges have been made in the public press, substantiated by affidavit, alleging that in the years 1868 and 1869, through the procurement, connivance, and corrupt action of the then Clerk of the Senate, false and fraudulent bills for printing were presented and paid by the Legislature, and printing bills were fraudulently altered and increased, and said clerk corruptly received a certain per centage of the amounts thus paid; and whereas, such Clerk is an officer of the present Legislature; and whereas, since such charges appeared, public attention has been drawn to the subject of public printing and the enormous amounts paid therefor during the past four years; therefore,

*Resolved*, That the standing committee on public printing of this House be empowered and directed to ascertain the truth of the said charges, and to investigate the whole subject of legislative and department printing, and ascertain whether other corrupt practices and abuses have not existed in relation thereto, and to report thereon to this House; and that such committee have power to send for persons and papers, and the meetings of said committee shall be open to the public.

Said resolution giving rise to debate,

*Ordered*, That the same be laid on the table.

Mr. Alvord called for the consideration of the resolution heretofore offered by him, in the words following, to wit:

*Resolved*, That the standing committee on ways and means of this House be authorized and required to examine into and report in regard to the matter of legislative and department printing, during the period the same has been performed by contract given to the lowest bidder, and the way and manner of letting such contract, and that they particularly inquire into the printing of legislative documents, as to the power and right of the contractor to make duplicate charges for extra printing; and also to examine and report in relation to the printing for the Clerks of the Senate and Assembly; and to include in such examination all lithographing and mapping: said committee are hereby authorized to send for persons and papers necessary for such examination.

Mr. Smyth moved to amend said resolution by striking out the words "ways and means" and inserting in lieu thereof the words "public printing."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. D. B. Hill moved to further amend said resolution by adding thereto the words, "and the meeting of said committee shall be open to the public."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said resolution, as amended, and it was determined in the affirmative.

On motion of Mr. Jacobs,

*Resolved*, That after this week evening sessions be held on Tuesday and Thursday evenings, at 7½ o'clock, for the consideration of general orders.



Mr. I. D. Brown offered for the consideration of the House a resolution, in the words following, to wit :

*Whereas*, It is charged in certain resolutions adopted by the "State Workingmen's Assembly," that the new capitol has been used as a political machine, for the purpose of advancing the political interests of the capitol commissioners ; that employes of the State have worked upon private contracts while paid by the State, and the building materials have been taken from the new capitol and appropriated to private and individual use ; therefore,

*Resolved*, That the standing committee on ways and means be and they hereby are authorized and required to examine into the truth or falsity of these allegations, and in the progress of the investigation they have full power to send for persons and papers.

Said resolution giving rise to debate,

*Ordered*, That the same be laid on the table.

Mr. Yeomans offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the judiciary committee of this House be instructed to inquire whether the sale of "prize packages" of confectionery or other commodities is in violation of existing statutes ; and if not, that said committee be instructed to report to this House a bill for the prevention and suppression of such sales.

Said resolution giving rise to debate,

*Ordered*, That the same be laid on the table.

Mr. I. D. Brown offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the Clerk of this House be authorized to procure a suitable number of folding camp stools for the use of pages and messengers, to the end that said pages and messengers, when not actually engaged in the service of the House, may not obstruct the aisles and thereby interfere with the convenience of the members.

*Ordered*, That said resolution be referred to the committee on the expenditures of the House.

Mr. Speaker presented the annual report of the Secretary of State on criminal statistics, for the year ending October 31, 1871, which was laid on the table and ordered printed.

(*See Doc. No. 28.*)

In connection therewith, Mr. Husted offered the following :

*Resolved*, That fifteen hundred copies of the report of the Secretary of State, on the criminal statistics of the State, be printed for the use of the secretary.

*Ordered*, That said resolution be referred to the committee on public printing.

Leave of absence was granted to Mr. Chambers indefinitely, on account of sickness ; to Mr. Tilden, until Monday, and Messrs. Strahan, Twombly, Burns, Springsted, Marcy, D. B. Hill, and Moseley, indefinitely, as members of the committee on privileges and elections.

On motion of Mr. Goss, at 2 o'clock and 10 minutes, the House adjourned.

## FRIDAY, JANUARY 26, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. J. P. Dysart.

The journal of yesterday was read and approved.

Mr. Smyth, from the committee on engrossed bills, reported as correctly engrossed (passed yesterday), the bills entitled as follows:

"An act to authorize the county treasurer of Kings county to designate one of his assistants to act as deputy in his absence."

"An act to extend the provisions of chapter 113 of the Laws of 1853, entitled 'An act declaring Indian river a public highway.'"

Also, as correctly engrossed:

"An act to provide for the formation of free public libraries."

"An act to amend an act entitled 'An act to incorporate the Port Chester Savings Bank,' passed March 14, 1865."

"An act concerning the appointment of notaries public, and to legalize the acts of such as have removed from one county to another."

"An act relating to the settling, signing and sealing of bills of exceptions in criminal cases."

A message from the Senate was received and read, informing of concurrence in the passage of the following resolution, without amendment:

"*Resolved* (if the Senate concur), That the committee on rules of this House, act with a like committee to be appointed by the Senate, to make examination, and recommend revision, if necessary, of the joint rules of the two Houses."

Mr. Speaker presented the annual report of the Canal Commissioners, for the year ending September 30, 1871, which was laid on the table and ordered printed.

(See Doc. No. 29.)

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled as follows:

"An act authorizing the Syracuse Northern Railroad Company to extend its road and make certain connections, and mortgage its real estate and personal property, and certain towns in Onondaga, Oswego and Jefferson counties to issue bonds in aid thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to amend the act entitled 'An act in relation to the qualifications of persons to be admitted to practice in the courts of this State, as attorneys, solicitors, and counselors,' passed April 13, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate returned the bill entitled "An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county," with the following amendments:

Section 1, lines 1 and 2, strike out the words "president of the board of aldermen, the."

Line 2, after the word "comptroller," insert the words "of the city of New York."

Line 24, after the word "found" insert the words "by the said board of audit, by such vote."

Line 27, strike out the word "he" and insert the words "said board of audit."

Section 2, line 22, after the word "department" insert the words "or commissioners."

Mr. Alvord moved to concur.

Debate was had thereon, when

Mr. Abbott moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker put the question whether the House would agree to concur in said amendments, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 66 }  
{ NOES 39 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Abbott        | Crandall   | D. B. Hill | Murdock | Squires         |
| Aitken        | Dunphy     | Holdridge  | Niles   | Tobey           |
| Alvord        | Dykeman    | Houghton   | Oakley  | D. Tompkins     |
| D. L. Babcock | Eastman    | Hungerford | Peck    | M. M. Tompkins  |
| Badeau        | Fowler     | Husted     | Pierce  | Tucker          |
| Bennett       | Goring     | Jacobs     | Preston | W. J. Van Dusen |
| Blair         | Green      | Kingsland  | Prince  | Vedder          |
| E. E. Brown   | Greenhalgh | G. P. Lord | Ray     | Wells           |
| I. D. Brown   | Gregory    | Loughran   | Roche   | West            |
| Buckley       | Hart       | Lynde      | Rose    | Whitbeck        |
| Buell         | Haughton   | Mackay     | Sage    | Whitaker        |
| Campbell      | Healy      | Moore      | Smith   | Wiley           |
| Chamberlain   | A. Hill    | Mosher     | Sniper  | Woolsey         |
| Couchman      |            |            |         |                 |

Those who voted in the negative, were

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| Alberger      | Fort        | Hollister | Paige      | Speaker         |
| I. H. Babcock | Geib        | Judd      | Pell       | Swain           |
| Beckwith      | Goss        | Lewis     | Rice       | A. L. Van Dusen |
| Berri         | Griffin     | Lincoln   | Shepardson | White           |
| Burritt       | Haight      | Lippitt   | Simson     | Woodward        |
| Davidson      | Hawkins     | Morton    | Smiley     | Wyman           |
| Enos          | A. L. Hayes | Moulton   | Smyth      | Yeomans         |
| Flammer       | Herrick     | Osgood    | Snyder     |                 |

*Ordered,* That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

Mr. Crandall presented the petition of Hugh Severance for relief for damages on canal contract; which was read and referred to the committee on canals.

Mr. Pierce presented the petition of thirty-two tax-payers and citizens of the village of Chateauguay, Franklin county, praying for the repeal of the act incorporating said village, passed May 3, 1869, with all the acts amendatory thereof; which was read and referred to the committee on affairs of villages.

Mr. Babcock presented two petitions of citizens and tax-payers of Royalton, Niagara county, against relieving from liability the bail of Fernando Hinchy, a former collector of said town; which was read and referred to the committee on internal affairs.



Mr. Davidson presented a petition of tax-payers of Arcade, Wyoming county, for the privilege to cancel certain railroad bonds; which was read and referred to the committee on railroads.

Mr. G. P. Lord presented a remonstrance of tax-payers of Yates county against the removal of the poor-house site in said county; which was read and referred to the committee on internal affairs.

Also, a memorial of the board of education of Penn Yan Academy, praying for an increase of the literature fund; which was read and referred to the committee on ways and means.

Messrs. Crandall and Murdock presented four petitions of citizens of different portions of the State against legislative interference with the management of the Erie Railway Company; which was read and referred to the committee on railroads.

Messrs. Chamberlain, Wells, Green, Whitbeck, Prince, Haight, Buel, Lord, Smiley, Lynde, and Mosher presented several petitions in favor of Beach Pneumatic Underground Railway; which were read and referred to the committee on railroads.

Mr. Yeomans presented a petition of members of Monroe county Agricultural Society for a law regulating the qualifications of voters in agricultural societies; which was read and referred to the committee on agriculture.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to incorporate 'The Manhattan Accommodation Company,'" reported the same for the consideration of the House; which report was agreed to and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the city of Buffalo to raise money to extend the supply of water to the city and its inhabitants, and for that purpose to issue bonds," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to provide for the speedy construction of sewers in a certain portion of the city of Brooklyn," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to the location and erection of public buildings for the use of the city of Rochester," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to provide for a supply of water in the city of Poughkeepsie, and for sewers therein, passed April 12, 1867,' passed April 9, 1870,'" and to amend section 1, of chapter 594, of the Laws of 1871, reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act concerning the responsibility of certain city and county officers of the city and county of New York," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Port Richmond, reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend the several acts incorporating the village of Weedsport, in the county of Cayuga,' passed April 27, 1857," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the trustees of the village of Ellenville to borrow money for the purpose of introducing water into the village, and to control and regulate the use of the same,' passed April 5, 1866, and supplemental thereto," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Loughran moved that said bill be considered in the first committee of the whole.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. West, from the committee on trade and manufactures, to which was referred the Senate bill entitled "An act to incorporate the Albany Produce Commission Company," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. West, from the committee on trade and manufactures, to which was referred the memorial of the Brick-layers National Union, relative to the law commonly known as the eight hour law, respectfully reports, that they have carefully examined into the matter, and are satisfied that there has been no infraction of the spirit and intent of the law on the part of the Capitol Commissioners, or the contractors under them; that the workmen and laborers have been employed and paid by the hours labor, and have had their own option and choice to work eight hours or more per day as they desired, and have been paid accordingly.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend an act entitled 'An act requiring the highway tax of the New York Central railroad through the town of Mentz to be applied to the repairs of certain highways in said town,' passed April 2, 1862," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act in relation to non-resident highway taxes upon certain lands in the counties of Hamilton and Warren," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend the certificate of incorporation or charter of the Midnight Mission," reported in favor of



the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to change the name of the First Congregational Church and Society of Poughkeepsie," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the Mosholu Division No. 208, Sons of Temperance," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to authorize the Bruynswick Rural Cemetery Association, in the county of Ulster, to acquire title to property for burial purposes," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to confirm the conveyance of real and personal estate by the Beth El Congregation of Jews of the city of New York to the Congregation Shaaray Tefila of the city of New York," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to enable the Shepherd's Fold, of the Protestant Episcopal Church in the State of New York, to take by grant and hold real estate to the amount of one hundred thousand dollars in value," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to confirm the exchange of land for the use of the public cemetery of the town of Hempstead, county of Queens, known as Greenfield cemetery, and elect officers for the management of the same," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the New Rochelle Mannerchor," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act relative to lands held in trust by Harry G. Moore for the benefit of Nehemiah Denton and his descendants," reported in favor of the passage of the same, without amendment; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred, on the 10th inst., a resolution of inquiry as to what legislation may be necessary "to compel the New York Central and Hudson River Railroad Company to provide speedy and regular means of transit between the village of Yonkers and the city of New York, and to furnish proper depot accommodations" at Manhattanville, with instruction to report



within twenty days, respectfully report that they have, in part, considered the subject-matter of the resolution, but have gained, thus far, no information on which to base any proper conclusion. The committee therefore beg leave to report progress, and ask an indefinite extension of time; which report was agreed to.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act to provide for the improvement of the navigation of the Oneida and Oswego rivers, and of the hydraulic power therein, and to check freshets therein, reported that they have had this bill under consideration and report the same for the consideration of the House, which report was agreed to and said bill committed to the committee of the whole.

Mr. Eastman introduced a bill entitled "An act relating to the Erie Railway Company, repealing chapter 916 of the Laws of 1869, so far as relates to the classification of directors of the Erie Railway Company, and the prolongation thereby of their terms of office, and vacating the offices of directors of said company held thereunder, and ordering a new election for a full board of directors of said company, and providing regulations relating to the elections of directors of said company, and the transfer of its stock," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Enos introduced a bill entitled "An act to enable the electors of the town of Wilna, in the county of Jefferson, to vote by districts for town officers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds, and fresh water fish,' passed April 26, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Bennett introduced a bill entitled "An act to amend an act entitled 'An act to provide for the opening and improvement of Park avenue between Bridge street and Hudson avenue, and Clinton avenue, and Broadway, in the city of Brooklyn,' passed April 17, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Lippitt introduced a bill entitled "An act to authorize the Cazenovia and De Ruyter Railroad Company to take increased fare on their road," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Burritt introduced a bill entitled "An act requiring the New York Central and Hudson River Railroad Company to build a bridge over their railroad in the town of Riga," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. W. J. Van Dusen introduced a bill entitled "An act to constitute a separate road district in the town of Palatine, in the county of Montgomery," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Blair introduced a bill entitled "An act for the preservation of the public health by preventing the use of old and second hand barrels

for packing sugar, flour and meal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

Mr. Gregory introduced a bill entitled "An act to amend an act entitled 'An act to consolidate and amend the several acts relating to the village of Watkins, and to enlarge the powers of the corporation of said village,' passed April 3, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Smith introduced a bill entitled "An act authorizing the Canal Commissioners of the eastern division to raise a certain road bed in the town of Kingsbury, county of Washington," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Davidson introduced a bill entitled "An act to legalize the acts of Stafford Wade, Leverett Spring, Aaron A. Spencer, commissioners of the town of Arcade, in purchasing certain bonds and coupons of said town, with moneys arising from the sale of certain railroad stock belonging to said town, and to authorize said commissioners to cancel the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Babcock introduced a bill entitled "An act to amend chapter 80 of the Laws of 1870, entitled 'An act to provide for the enrollment of the militia for the organization of the National Guard of the State of New York, and for the public defense, and entitled the 'Military Code,' passed March 7, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the militia.

Mr. Griffin introduced a bill entitled "An act in relation to weights, marks and tares on all packages containing butter," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

Also, a bill entitled "An act to suppress intemperance, and to regulate the sale of intoxicating liquors, which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. I. D. Brown introduced a bill entitled "An act to enable the legal voters of any town, county, city or ward, to determine by ballot whether the sale, exposing for sale, giving away, or suffering to be exposed, sold, or given away of intoxicating liquors, shall be prohibited, and to provide for the enforcement of prohibition when a majority declare in favor thereof; also, to regulate the sale for medicinal, mechanical, chemical or sacramental use, and to provide for the enforcement of this act," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

On motion of Mr. I. D. Brown, said bill was ordered printed immediately.

On motion of Mr. Hawkins,

*Resolved*, That the Clerk of this House be directed to have the bill entitled "An act to amend an act to incorporate the city of Troy," passed April 12, 1816, and the several acts amendatory thereof, relating to the city of Troy, printed immediately and placed on the files of members.

Mr. Hawkins offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the Clerk of the House be directed to provide two copies of the Revised Statutes, one for use of the judiciary committee and one for the use of the committee on cities.

*Ordered*, That said resolution be referred to the committee on the expenditures of the House.

Mr. Smyth offered for the consideration of the House a resolution, in the words following, to wit:

*Whereas*, It is commonly reported that several bills were presented to the Governor, purporting to have passed the last Legislature, that he declined to sign until some of the provisions thereof had been expunged;

*And whereas*, It is believed the Governor's action was prompted by the conviction that such provisions had never received the sanction of the Legislature;

*And whereas*, It is of the highest importance that it should be known to this House if such things have occurred, to the end that additional precautions may be provided against their recurrence; therefore,

*Resolved*, That the Governor be respectfully requested to inform this House whether bills were presented to him or sent to his department that purported to have passed the Legislature, from which he withheld his approval until some of the provisions thereof were expunged; and if this is so, that he inform this House what bills they were, what provisions were expunged, and in what connection in such bills such provision occurred; and he is also respectfully requested to communicate any other facts or circumstances within his knowledge that in his opinion have any material bearing upon this subject.

Said resolution giving rise to debate,

*Ordered*, That the same be laid on the table.

Mr. Alvord called from the table the resolution previously offered by Mr. I. D. Brown, in the words following:

*Whereas*, It is charged in certain resolutions adopted by the "State Workingmen's Assembly," that the new capitol has been used as a political machine for the purpose of advancing the political interests of the Capitol Commissioners; that employes of the State have worked upon private contracts while paid by the State, and that building materials have been taken from the new capitol and appropriated to private and individual use; therefore,

*Resolved*, That the standing committee on ways and means be and they hereby are authorized and required to examine the truth or falsity of these allegations, and in the progress of the investigation they have full power to send for persons and papers.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Rusk called from the table the resolution previously offered by him, in the words following:

*Resolved*, That when this House adjourns on Friday, 26th, it adjourn to meet on Monday evening, 29th, at 7½ o'clock.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

} AYES 56 }  
} NOES 45 }

Those who voted in the affirmative, were

|          |             |             |        |            |
|----------|-------------|-------------|--------|------------|
| Abbott   | Chamberlain | A. L. Hayes | Moore  | Sage       |
| Aitken   | Dykeman     | Healy       | Morton | Shepardson |
| Alberger | Eastman     | Herrick     | Mosher | Smiley     |



|               |            |            |         |                |
|---------------|------------|------------|---------|----------------|
| D. L. Babcock | Flammer    | A. Hill    | Moulton | Smith          |
| Badeau        | Fowler     | D. B. Hill | Murdock | Snyder         |
| Beckwith      | Geib       | Hungerford | Oakley  | D. Tomkins     |
| Bennett       | Greenhalgh | Husted     | Paige   | M. M. Tompkins |
| Blair         | Griffin    | Jacobs     | Peck    | Tucker         |
| Buckley       | Haight     | Lippitt    | Pell    | Woodward       |
| Buell         | Hart       | Loughran   | Prince  | Woolsey        |
| Burritt       | Haughton   | Lynde      | Roche   | Yeomans        |
| Campbell      |            |            |         |                |

Those who voted in the negative, were

|               |           |            |         |                 |
|---------------|-----------|------------|---------|-----------------|
| Alvord        | Fort      | Kingsland  | Ray     | Tobey           |
| I. H. Babcock | Goss      | Lewis      | Rice    | A. L. Van Dusen |
| Berry         | Green     | Lincoln    | Rose    | W. J. Van Dusen |
| E. E. Brown   | Gregory   | G. P. Lord | Simson  | Vedder          |
| I. D. Brown   | Hawkins   | Mackay     | Smyth   | Wells           |
| Couchman      | Holdridge | Niles      | Sniper  | West            |
| Crandall      | Hollister | Osgood     | Speaker | Whitbeck        |
| Davidson      | Houghton  | Pierce     | Squires | White           |
| Enos          | Judd      | Preston    | Swain   | Wyman           |

On motion of Mr. Alberger,

*Whereas*, The aggregate sum of \$85,400 was appropriated to the commissioners of quarantine by chapter 715, of the Laws of 1871, for the support of the quarantine establishment, and paying the expenses of repairs to the Illinois and the quarantine steamers; and

*Whereas*, By said chapter the further sum of \$200,000 was appropriated to the board of commissioners, constituted by chapter 751, of the Laws of 1866 (composed of the commissioners of quarantine, the mayor of the city of New York and the mayor of the city of Brooklyn), for the purpose, among other things, of defraying the expense of erecting and fitting up buildings on West Bank for the reception of passengers who may have been exposed to disease; and

*Whereas*, By the report of the commissioners of quarantine which has been submitted to this House, it appears that the whole of the moneys so appropriated to them have already been expended, and that they have incurred large liabilities for alleged quarantine purposes in excess of said appropriation; and

*Whereas*, It does not appear from said report under what understanding or arrangement said liabilities have been incurred, nor is any detailed statement of said expenditures given, from which this House can form an accurate judgment as to the propriety thereof; and

*Whereas*, It appears from said report that no buildings have yet been erected upon West Bank pursuant to the appropriation to the aforesaid board of commissioners, and no report has been made to this House showing the expenditure of said appropriation, but it is alleged that the greater part thereof has been expended; therefore

*Resolved*, That within ten days after service of a copy of the foregoing preamble and this resolution upon the commissioners of quarantine or one of them, they furnish this House with a detailed statement verified by their treasurer, giving the names of all persons to whom moneys have been paid by them during the period covered by their said report, the amount paid to each with the date of payment, the nature of the claim or demand paid in each case, the amount of liabilities incurred by them which remain unpaid, to whom the same are payable and the amount due or to become due to each person; under what understanding, agreement or arrangement, and for what particular purpose said liabilities were incurred; and what portion of the appropriation of

\$200,000 mentioned in said preamble has been expended and for what purpose, specifying the names of the persons to whom paid, and the date, amount and purpose of each payment.

*Resolved*, That the clerk forthwith serve a copy of the foregoing preamble and resolution on one of the commissioners of quarantine.

The Clerk made the following report in response to a resolution of the House relative to the delay in printing the general orders :

OFFICE OF THE CLERK OF THE ASSEMBLY, }  
ALBANY, January 26, 1872. }

*Honorable Henry Smith, Speaker of the Assembly :*

SIR.—Pursuant to a resolution of the Assembly, adopted yesterday, the undersigned proceeded to “inquire into the matter of the delay of the public printer in printing the general order bills of this House,” and respectfully reports that he is not aware of any delay in the printing of the bills of the House previous to those reported on the 24th instant, on which day there were seventeen bills placed on the general orders ; that the House adjourned on that day at about half-past two o’clock P. M. ; that as soon thereafter as the bills referred to the committee of the whole could be properly entered on the books, to wit, at about four o’clock P. M., they were sent to the public printer, and that ten of the seventeen bills were delivered to the House at about twelve o’clock, noon, on the 25th ; that the undersigned went to the office of the public printer as soon as his official duties would permit, which was about six o’clock P. M., for the purpose of hastening the printing of the bills, but found that the employes of the office had left at the usual hour ; otherwise the bills placed upon general orders on that day would have been upon the files the next morning. He believes all the bills on general orders are now printed and is assured by the public printer that every effort will be made to avoid any just ground for complaint in the future.

All of which is respectfully submitted,

C. S. UNDERWOOD, *Clerk.*

A message was received from the Senate informing of concurrence in the passage of the bill entitled “An act prescribing the officers and employes that may be elected, appointed, or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof,” with the following amendments :

Section 1, line 6, engrossed bill, strike out the word “twelve” and insert the word “sixteen.” Same section, line 9, after the word “appoint,” insert the words “a clerk and.” Line 11, strike out the word “three” and insert the word “four.” Same line, after the word “clerks” insert the words “one of whom shall act as clerk of the committee on engrossed bills.” Line 12, same section, after the word “librarian” insert the words “a superintendent of documents.” Same line, strike out the word “four” and insert the word “three.”

Section 3, line 6, engrossed bill, strike out the word “him” and insert the word “them.” Line 11, same section, after the word “door-keepers” insert the words “to each of them six dollars per day to the.” Same line, strike out the word “and.” Line 13, same section, after the word “documents” insert the words “of the Senate and Assembly.” Line 19, same section, strike out the word “four” and insert the word “three.” Line 22, same section, after the word “officers” insert the word “employes.”

Section 4, line 9, after the word “adopted” insert the following : “by

the affirmative vote of a majority of all the members elected to such house, and on such vote the ayes and nays shall be taken and entered at large upon the journal of each House."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in said amendments, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 67 }  
{ NOES 12 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Alberger      | Flammer     | Houghton   | Murdock | Snyder          |
| Alvord        | Fort        | Husted     | Niles   | Speaker         |
| D. L. Babcock | Fowler      | Jacobs     | Oakley  | Squires         |
| Beckwith      | Goring      | Judd       | Osgood  | Tobey           |
| E. E. Brown   | Goss        | Kingsland  | Paige   | W. J. Van Dusen |
| I. D. Brown   | Green       | G. P. Lord | Pell    | Vedder          |
| Buckley       | Greenhalgh  | Loughran   | Pierce  | Wells           |
| Buell         | Hart        | Lynde      | Preston | West            |
| Burritt       | Hawkins     | Mackay     | Ray     | Whitbeck        |
| Campbell      | A. L. Hayes | Moore      | Rice    | Whitaker        |
| Chamberlain   | Herrick     | Morton     | Simson  | Woodward        |
| Crandall      | A. Hill     | Mosher     | Smith   | Woolsey         |
| Eastman       | D. B. Hill  | Moulton    | Sniper  | Yeomans         |
| Enos          | Hollister   |            |         |                 |

Those who voted in the negative, were

|               |           |      |        |                 |
|---------------|-----------|------|--------|-----------------|
| I. H. Babcock | Holdridge | Rose | Smiley | A. L. Van Dusen |
| Berri         | Lincoln   | Sage | Smyth  | White           |
| Davidson      | Prince    |      |        |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The House then resolved itself into a committee of the whole on the bills entitled as follows:

"An act supplementary to, and amendatory of, 'An act in relation to a public park in the city of Albany,' passed May 15, 1869, and the acts supplementary and amendatory thereof,"

"An act to amend an act entitled 'An act to authorize the trustees of the village of Ellenville, county of Ulster, to borrow money for the purpose of introducing water into the village, and to control and regulate the use of the same,' passed April 5, 1866, and supplemental thereto."

"An act to provide for the joint purchase of a steam fire-engine in the villages of Tonawanda, Erie county, and North Tonawanda, Niagara county, and for the more effectual protection of said villages against fires."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Husted, from said committee, reported progress on the first mentioned bill, and asked leave to sit again.

On motion of Mr. Alvord, the committee of the whole was discharged for the further consideration of said bill, and the same was ordered engrossed for a third reading.

Mr. Husted, from said committee, also reported progress on said second mentioned bill, and asked leave to sit again.



On motion of Mr. Alvord, the committee of the whole was discharged from the further consideration of said bill, and the same was ordered engrossed for a third reading.

Mr. Husted, from said committee, also reported progress on the last mentioned bill, and asked and obtained leave to sit again.

Leave of absence was granted to Messrs. Kennedy and Knettles indefinitely, on account of sickness.

A message from the Senate was received and read, informing of concurrence in the passage of the bills entitled as follows :

"An act to legalize and confirm the election of Harrison Clute, as superintendent of the poor of the county of Schenectady."

"An act to extend the provisions of chapter 113 of the Laws of the year 1853, entitled 'An act declaring Indian river a public highway.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

On motion of Mr. Loughran, at 2 o'clock and 10 minutes, the House adjourned.

## MONDAY, JANUARY 29, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Elmendorf.

The journal of Friday, the 26th inst., was read and approved.

The Senate returned the bills entitled as follows :

"An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county."

"An act prescribing the officers and employes that may be elected, appointed or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof."

*Ordered*, That the Clerk deliver said bills to the Governor.

Pursuant to resolution, the Honorable the Senate transmitted to the House the papers on file relating to the claims of Gerrit Smith, Jonathan D. Ledyard and the personal representatives of Hamilton Murray, deceased ; and the same were referred to the committee on claims.

Mr. Smyth, from the committee on engrossed bills, reported as correctly re-engrossed the bills entitled as follows :

"An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county"

"An act prescribing the officers and employes that may be elected, appointed, or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof."

Mr. Smyth, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act supplementary to, and amendatory of, 'An act in relation to a public park in the city of Albany,' passed May 5, 1869, and the acts supplementary and amendatory thereof."

"An act to amend an act entitled 'An act to authorize the trustees of the village of Ellenville to borrow money for the purpose of introducing water into the village, and to control and regulate the use of the same,' passed April 5th, 1866, and supplemental thereto."

Mr. Morton presented a petition of Newton Seymour, of Kings county, for relief against the unlawful practices of the officers of the Pacific Mail Steamship Company, and praying for investigation and relief; which was read and referred to the committee on commerce and navigation.

Mr. I. H. Babcock presented two remonstrances of citizens of Royalton, Niagara county against releasing from liability the bail of Fernando Hinchy, a former collector of said town; which were read and referred to the committee on internal affairs.

Mr. Smith presented a petition of James M. Northup and eighty-six others for a law authorizing the canal commissioners to raise the road bed in the town of Kingsbury, Washington county; which was read and committed to the committee on canals.

Mr. Gregory presented a petition of citizens of Havana, Schuyler county, N. Y., for permission to remove bodies from the old burial-ground to the new cemetery; which was read and referred to the committee on charitable and religious societies.

Mr. Badeau presented a petition of the inhabitants of the town of Rye, in Westchester county, for a reduction of fares on the New Haven railroad; which was read and referred to the committee on railroads.

Mr. Sniper presented a petition in favor of the Beach Pneumatic Underground Railway; which was read and referred to the committee on railroads.

Messrs. Smyth, Chambers, Goss, Lord, Simson, Burritt, Wiley, and Fowler presented several remonstrances by people from different portions of the State against legislative interference in the management of the Erie railway; which were read and referred to the committee on railroads.

Mr. Husted presented a remonstrance of citizens and tax-payers of Peekskill against the water bill; which was read and referred to the committee on the affairs of villages.

The order of business of third reading of bills being announced,

On motion of Mr. Alvord, the same was laid on the table.

Mr. Vedder introduced a bill entitled "An act to provide for the adjustment and payment of services and disbursements made and rendered for the Seneca nation of Indians by Frank A. Newell, while attorney for said nation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Mr. Wyman introduced a bill entitled "An act to amend an act entitled 'An act to amend chapter 150 of the Laws of 1837, authorizing the loaning of certain moneys belonging to the United States and deposited with the State of New York,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Mr. Bennett introduced a bill entitled "An act to amend an act entitled 'An act to increase the number of judges of the city court of Brooklyn, and to regulate the civil and criminal jurisdiction thereof,' passed April 28, 1870," which was read the first time, and by unanimous con-

sent was also read the second time, and referred to the committee on the judiciary.

Mr. G. D. Lord introduced a bill entitled "An act to authorize the city of Rochester to borrow money to pay off its debt, incurred in the purchase of a site for a free academy, and to issue its bonds for the payment thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to authorize the city of Rochester to borrow money to pay off its present debt for Arsenal square improvement, and to issue its bonds for the payment of the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to authorize the city of Rochester to borrow money to pay off deficiencies arising from non-payment of taxes and assessments, and to issue its bonds for the payment thereof," which was read the first time, and by unanimous consent, was also read the second time, and referred to the committee on the affairs of cities.

Also a bill entitled "An act to legalize the issue of certain bonds by the city of Rochester for the purpose of raising money for the relief of sufferers by the Chicago fire," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. I. H. Babcock introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the St. Joseph's Academy and Industrial Female School of Lockport,' passed February 19, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

Mr. Alvord introduced a bill entitled "An act to amend an act entitled 'An act to authorize the Syracuse Northern Railroad Company to construct and maintain a swing-bridge over the Oswego canal in the first ward of the city of Syracuse,' passed April 7, 1871, so as to include the second and third wards of said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Oakley introduced a bill entitled "An act relative to savings banks, making trustees personally liable and requiring them to be owners of real estate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Mr. Gregory introduced a bill entitled "An act granting permission to the citizens of Havana, Schuyler county, to remove bodies from the old burial-ground to the new cemetery," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Loughran introduced a bill entitled "An act to amend an act entitled 'An act fixing the fees of justices of the peace, and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts and for other purposes,' passed April 20, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Husted introduced a bill entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,'" which was read the first time, and by unanimous con-



sent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act in relation to trustees and directors of charitable and benevolent institutions," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Also, a bill entitled "An act to prevent and punish certain fraudulent practices," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Morton introduced a bill entitled "An act authorizing the appointment of attendants and messengers of the supreme court, in the county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Husted offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That 500 extra copies of the report of the Commissioners of Quarantine be printed for the use of the commissioners.

*Ordered*, That said resolution be referred to the committee on public printing.

On motion of Mr. Fields,

*Resolved*, That the comptroller of the city and county of New York report to this House, in writing, within fifteen days, as follows:

1st. The amount of money refunded within ten years last past, on account of the illegality or error in the levying or laying of assessments for public improvements in said city; whether the same were levied for street openings or the regulating, grading and paving of streets or sidewalks, or by reason of any omission or defect in any proceedings taken for the purpose of acquiring title to any land in said city for public purposes.

2d. Whether said moneys have been refunded or repaid after final judgment, or after suit had been commenced and before final judgment, and the names of the attorneys who prosecuted said suits against said city.

3d. The name of the person or persons to whom said moneys have been paid, and if paid on power of attorney or under assignment, then the names of such attorneys or assignees.

4th. The amount of assessments uncollected, the collection of which has been suspended by reason of irregularity or error in the laying or levying the same, and whether the question of the regularity of laying or assessing the same is or is not now in litigation; also, the names of the attorneys against the city in all suits now pending where the question of regularity of the laying or levying any assessment is involved.

*Resolved*, That to facilitate the said comptroller in presenting to this House the above information, the counsel to the corporation of the city of New York is hereby required to present to the said comptroller all facts and information in his office relating to the matters referred to above, upon the written application of said comptroller for the same.

*Resolved*, That the Clerk forward a copy of these resolutions to the comptroller of the city and county of New York, and to the corporation counsel of said city.

On motion of Mr. Morton,

*Resolved*, That the committee on commerce and navigation be authorized to send for persons and papers on the subject-matter of the petition

of Newton Seymour, charging unlawful practices on the part of the officers of the Pacific Mail Steamship Company.

Mr. Moulton offered for the consideration of the House a preamble and resolution, in the words following, to wit:

*Whereas*, It is alleged that in the past there has been fraud and corruption in the elections, so that the free and expressed choice of the electors of the State has not been ascertained thereat; and that improper influences and appliances have been and are used with legislators;

*And whereas*, It is of vital importance to the State that such evils, if they have existed or do exist, should be developed, to the end that those who have perpetrated such wrongs should be punished, and that such legislation shall be had as will prevent a recurrence of these evils; therefore,

*Resolved*, That it be referred to a select committee of five to make investigations concerning these matters, that such committee have power to report, from time to time, by bill or otherwise as it shall think proper, and that it shall have power to send for persons and papers.

Said resolution giving rise to debate,

*Ordered*, That the same be laid on the table.

Mr. Smyth called for the consideration of the resolution heretofore offered by him, as follows:

*Whereas*, It is commonly reported that several bills were presented to the Governor, purporting to have passed the last Legislature, that he declined to sign until some of the provisions thereof had been expunged; and

*Whereas*, It is believed the Governor's action was prompted by the conviction that such provisions had never received the sanction of the Legislature; and

*Whereas*, It is of the highest importance that it should be known to this House if such things have occurred, to the end that additional precautions may be provided against their recurrence; therefore,

*Resolved*, That the Governor be respectfully requested to inform this House whether bills were presented to him or sent to his department that purported to have passed the Legislature, from which he withheld his approval until some of the provisions thereof were expunged; and if this is so, that he inform this House what bills they were, what provisions were expunged, and in what connection in such bills such provision occurred, and he is also respectfully requested to communicate any other facts or circumstances within his knowledge, that in his opinion have any material bearing upon this subject.

Mr. Husted moved to lay the same on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Morton called for the consideration of the resolution heretofore offered by him, as follows:

*Resolved*, That the placards prohibiting smoking, now posted in this chamber, be removed during the session of this Assembly, and that the officers of the House be empowered and directed to deny entrance to this chamber, at all times, to any person or persons who may be smoking.

Mr. I. D. Brown moved to amend by striking out the words "that the placards prohibiting smoking, now posted in this chamber, be removed during the sessions of this Assembly, and."

Debate was had thereon, when

Mr. Speaker put the question whether the House would agree to said amendment, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said resolution, and it was determined in the affirmative.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled as follows :

"An act to extend the time for the completion of the Erie and New York City railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

The House then resolved itself into a committee of the whole on the bills entitled as follows :

"An act to authorize the board of education of district No. 9, in the town of Perrinton, to construct a school building, and provide means for payment thereof."

"An act to amend an act entitled 'An act to incorporate the city of Lockport,' passed April 11, 1865, and the acts amendatory thereof."

"An act to authorize the city of Oswego to convey by deed certain land in said city."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. I. D. Brown, from said committee, reported in favor of the passage of said first mentioned bill, with amendments, and the title amended by striking out the word "thereof" at the end of said title, and inserting in lieu thereof the word "therefor," which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. I. D. Brown, from said committee, also reported progress on said second mentioned bill, and asked leave to sit again.

The question being upon granting leave,

Mr. I. D. Babcock moved to discharge the committee of the whole from the further consideration of said bill, and that the same be ordered engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

*Ordered*, That said bill be engrossed for a third reading.

Mr. I. D. Brown, from said committee, also reported in favor of the passage of said third mentioned bill ; which report was agreed to, and said bill ordered engrossed for a third reading.

The House again resolved itself into a committee of the whole on the bills entitled as follows :

Senate, "An act to amend an act entitled 'An act to amend the act incorporating the village of Plattsburgh,' passed April 13, 1859, passed April 20, 1871."

"An act for the relief of Patrick Mullins."

"An act to incorporate Smyrna Lodge No. 116, Independent Order of Odd Fellows of the State of New York."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Berri, from said committee, reported in favor of the passage of said first mentioned bill ; which report was agreed to, and said bill ordered to a third reading.

Mr. Berri, from said committee, also reported progress on said second mentioned bill, and asked leave to sit again.

The question being on granting leave,

Mr. Niles moved that the committee of the whole be discharged from



further consideration of the same, and that said bill be ordered engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Niles moved to recommit said bill, and that the same retain its place on the calendar of third reading of bills.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Berri, from said committee, also reported in favor of the passage of the third mentioned bill; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Chambers moved to adjourn.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Mackay moved that the bill entitled "An act to amend the certificate of incorporation or charter of the Midnight Mission," be considered in the first committee of the whole.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Alberger moved that the bill entitled "An act to authorize the city of Buffalo to raise money to extend the supply of water to the city and its inhabitants, and for that purpose to issue its bonds," be considered in the first committee of the whole.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to amend the certificate of incorporation or charter of the Midnight Mission."

"An act to amend the Revised Statutes in relation to reports of deaths to the public administrator."

"An act to authorize the city of Buffalo to raise money to extend the supply of water to the city and its inhabitants, and for that purpose to issue its bonds."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. A. Hill, from said committee, reported in favor of the passage of said bills, the second and third mentioned with amendments; which report was agreed to, and said bills ordered engrossed for a third reading.

On motion of Mr. Alberger, at 9 o'clock and 30 minutes, the House adjourned.

## TUESDAY, JANUARY 30, 1872.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Elmendorf.

The journal of yesterday was read and approved.

Mr. Speaker presented the report of the Auditor of the Canal Department, in answer to a resolution of the House, of January 20, relating to the improvement of the Oneida Lake canal; which was ordered printed and referred to the committee on canals.

Mr. Smyth, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend the certificate of incorporation or charter of the Midnight Mission."

"An act to amend an act entitled 'An act to incorporate the city of Lockport,' passed April 11, 1865, and the acts amendatory thereof."

"An act to authorize the board of education of district number nine, in the town of Perinton, to construct a school building, and provide means for payment therefor."

"An act to authorize the city of Oswego to convey by deed certain land in said city."

"An act to incorporate Smyrna lodge number one hundred and sixteen, Independent Order of Odd Fellows of the State of New York."

"An act to authorize the city of Buffalo to raise money to extend the supply of water to the city and its inhabitants, and for that purpose to issue its bonds."

By unanimous consent Mr. Jacobs called from the table the resolution previously offered by Mr. Smyth in the words following:

"Whereas, It is commonly reported that several bills were presented to the Governor, purporting to have passed the last Legislature, that he declined to sign until some of the provisions thereof had been expunged; and

Whereas, It is believed the Governor's action was prompted by the conviction that such provisions had never received the sanction of the Legislature; and

Whereas, It is of the highest importance that it should be known to this House if such things have occurred, to the end that additional precautions may be provided against their recurrence; therefore,

Resolved, That the Governor be respectfully requested to inform this House whether bills were presented to him or sent to his department that purported to have passed the Legislature, from which he withheld his approval until some of the provisions thereof were expunged; and if this is so, that he inform this House what bills they were, what provisions were expunged, and in what connection in such bills such provision occurred; and he is also respectfully requested to communicate any other facts or circumstances within his knowledge, that in his opinion have any material bearing upon this subject."

Mr. Speaker put the question whether the House would agree to said resolutions, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Governor.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled as follows:

"An act to authorize the extension of the time for the collection of taxes in the several towns of this State," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Fields, and by unanimous consent, said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |             |            |                 |
|---------------|----------|-------------|------------|-----------------|
| Aitken        | Couchman | A. L. Hayes | Moulton    | Speaker         |
| Alberger      | Crandall | Herrick     | Osgood     | Swain           |
| Alvord        | Davidson | A. Hill     | Pell       | D. Tomkins      |
| I. H. Babcock | Enos     | D. B. Hill  | Pierce     | M. M. Tompkins  |
| Badeau        | Fields   | Hollister   | Prince     | Tucker          |
| Beckwith      | Foley    | Houghton    | Ray        | W. J. Van Dusen |
| Bennett       | Fort     | Hungerford  | Rice       | Vedder          |
| Berri         | Fowler   | Judd        | Roche      | Wells           |
| Blair         | Geib     | Kingsland   | Rose       | West            |
| E. E. Brown   | Goss     | Lewis       | Sage       | Whitbeck        |
| I. D. Brown   | Green    | Lincoln     | Shepardson | White           |
| Buckley       | Gregory  | Lippitt     | Simson     | Whitaker        |
| Buell         | Griffin  | G. D. Lord  | Smiley     | Wiley           |
| Burns         | Haight   | G. P. Lord  | Smith      | Woolsey         |
| Burritt       | Hart     | Lott        | Sniper     | Wyman           |
| Chambers      | Hawkins  | Mackay      | Snyder     | Yeomans         |
| Cook          |          |             |            |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

By unanimous consent, and on motion of Mr. Fort,

*Resolved*, That the Clerk of this House report to the chairman of the committee of ways and means, without delay, the names of all persons who have actually and necessarily been doing duty on this floor under appointments from the last winter's Legislature, with a statement of the duties performed by each.

This being the day assigned by the rules for the consideration of the general orders, the House resolved itself into a committee of the whole on the bills entitled as follows:

"An act to amend section 2 of chapter 545 of the Laws of 1865, in relation to the jurisdiction of justice of the peace of the village of Canton."

"An act to amend an act entitled 'An act to extend the powers of boards of supervisors, except in the counties of New York and Kings,' passed May 11, 1869."

"An act to authorize the trustees of Unadilla Academy to sell and convey the property of that corporation, and to dispose of the proceeds of sale."

And after some time spent therein Mr. Speaker resumed the chair, and Mr. Aitken, from said committee, reported progress on the first and second mentioned bills, and asked and obtained leave to sit again.

Mr. Aitken, from said committee, also reported in favor of the passage



of said third mentioned bill; which report was agreed to, and said bill ordered engrossed for a third reading.

The private secretary of the Governor appeared in the Assembly chamber, and presented a communication from the Governor, in the words following:

EXECUTIVE CHAMBER, }  
ALBANY, *January 30, 1872.* }

*To the Legislature:*

I have this day affixed my official approval to Assembly bill No. 19, entitled "An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county."

I have done this with reluctance. The bill appears to me to be faulty in its structure; yet not so much so perhaps as to preclude arriving at an intelligent construction of its intent. It is, however, seriously erroneous in principle. It provides not only for the audit and payment of claims accrued in the year 1871, against the city and county of New York, to an amount not to exceed the sum of \$8,500,000, but also for appropriations and apportionment of moneys to carry on the local government for the first four months of the present year. The power to audit and pay last years claims up to a fixed amount, and to make appropriations for the expenditures of the current year up to the 1st of May next, without limit as to amount, is conferred upon the three persons who now are or may hereafter be heads of certain departments of the city government, to wit, the comptroller, the president of the department of parks and the commissioner of public works, all of whom are appointees of the mayor, none of them having been elected by the people. The bill ignores the chief executive officer of the city and the legislative branch of the local government. A bill which seeks to carry on the government of a great city and county without the concurrence of its mayor and common council and board of supervisors, or any of them, and which places this great duty in the hands of certain subordinate officers, appointed by the mayor, without associating with them in it either the mayor or the legislative branch of the local government, or some representative of the latter, can be justified only by an extraordinary condition of affairs. A limit is placed by the bill upon the amount which is to be applied to the payment of claims against the city, however well founded these may be; but none is imposed upon the appropriation of money for current expenses. The omission of a limit upon the amount of public moneys which these three officers are authorized to appropriate cannot be justified; and is overlooked by me, now, in the faith that you will, by prompt supplemental legislation, affix one. No condition of things can render this omission necessary or proper.

Specific provision is made in the bill for providing means for paying the accrued claims by the issue of revenue bonds; but while the bill authorizes the appropriation of money for all the current expenses of the first four months of this year it does not provide any means for obtaining the money to meet such appropriations, either by tax or by borrowing. There has been, in nearly all the tax levies for the city and county of New York, heretofore passed by the Legislature, explicit authority conferred to issue revenue bonds in anticipation of the receipt of taxes for the year, and there are also to be found in the laws general provisions authorizing the comptroller of the city to borrow in anticipation of the revenues of the city and county such sums as may be necessary to meet

the ordinary expenditures of the local government for each current year, not exceeding the amount of such revenues, yet it may be, and I think is, a matter of serious doubt whether any of these general provisions will apply to moneys appropriated and to be expended under the extraordinary and exceptional powers conferred on the board created by this act, for a portion of the year only, no revenue for the year being as yet provided for or determined. An extraordinary condition of affairs does exist in the city requiring prompt remedy, and making necessary temporary and unusual measures of relief. The needs of the employes of the city government, and of many of its honest creditors are pressing; various important charities which are, in part, dependent upon the city government for the means of relieving the helpless under their care cannot be longer kept out of the money which has been promised them, without producing great and extensive suffering; and there is a necessity for some temporary means of carrying on the public business of the city until the Legislature shall determine what shall be done with reference to the permanent reorganization of its government.

If I were to return this bill for reconsideration by you, on account of the objectionable features I find in it, great delay might ensue in providing the means of paying the city's rightful creditors and of carrying on its government for the time.

The remedy for the existing condition of things ought to be prompt. While I think that, even under the necessity for immediate legislation on the subject, a bill more cautious and more in conformity with correct principles ought to have been prepared, I have signed this bill rather than risk further delay in furnishing relief to those having just claims on the city, and many of whom have suffered already from their non-payment; and in the confident belief that the extraordinary powers conferred by the bill will not be abused. I make this respectful communication to the Legislature to the end that I may not be held committed, by giving to this bill my signature, under the very extraordinary circumstances connected with it, to its objectionable feature in other cases, if any such should arise hereafter; and I respectfully, but earnestly, recommend that the Legislature promptly pass a supplementary act limiting to such amount as to it may seem proper, the sum which may be appropriated by the board created by this act, for the expenses of the city government from the first of January instant to the first of May next, and also conferring specific power on the comptroller of the city to issue revenue bonds, payable out of such taxes as may be levied this year, for the purpose of providing means for the expenditures to be made in the period named.

JOHN T. HOFFMAN.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to provide for the establishment of fire limits in the village of Tonawanda, Erie county, N. Y."

"An act to authorize the village of Flushing, Queens county, to borrow money and issue bonds therefor, for the purpose of paying the floating indebtedness of said village, and for the general improvement thereof."

Senate, "An act to change the name of the Flatbush Avenue Industrial School and Nursery."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Burns, from said committee, reported in favor of the passage of said



first and second mentioned bills; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Burns, from said committee, also reported in favor of the passage of said third mentioned bill, with an amendment; which report was agreed to, and said bill ordered to a third reading.

On motion of Mr. Burritt, and by unanimous consent, the bill entitled "An act in relation to the location and erection of public buildings for the use of the city of Rochester," was ordered considered in the first committee of the whole.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to authorize the election of a police justice in and for the village of Flushing, Queens county, and to prescribe his duties and compensation, and regulating charges in criminal proceedings in said village."

"An act in relation to the Chemung Railroad Company."

"An act in relation to the location and erection of public buildings for the use of the city of Rochester."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Buell, from said committee, reported in favor of the passage of said bills, the third mentioned with amendments; which report was agreed to, and said bills ordered engrossed for a third reading.

On motion of Mr. Green, and by unanimous consent,

*Resolved*, That the Assembly bill, No. 63, entitled "An act to repeal chapter 800 of the Laws of 1870, entitled 'An act to maintain the bridges of Oneida, Owego and Salmon rivers, in Oswego county,'" be recommitted to the committee on roads and bridges, retaining its place on general orders.

By unanimous consent, Mr. Flammer presented two petitions for the relief of Mrs. Sarah Wyatt, widow of Samuel Wyatt; which were read and referred to the committee on ways and means.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to authorize the trustees of the village of Clyde, Wayne county, New York, to raise by tax the sum of twelve hundred dollars, wherewith to pay the indebtedness existing against said village."

"An act to amend the act entitled 'An act for the incorporation of companies formed to navigate the lakes and rivers,' passed April 15, 1854."

Senate, "An act to amend an act entitled 'An act to incorporate the Manhattan Dispensary of the City of New York,' passed May 6, 1870."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Tucker, from said committee, reported in favor of the passage of said first mentioned bill; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Tucker, from said committee, also reported progress on said second mentioned bill, and asked and obtained leave to sit again.

Mr. Tucker, from said committee, also reported in favor of the passage of said third mentioned bill, with an amendment, and the title amended by adding thereto the words, "and authorizing a change of the name thereof," which report was agreed to, and said bill ordered to a third reading.

Leave of absence was granted to Mr. Osgood until Monday next.

The House again resolved itself into a committee of the whole on the bills entitled as follows:



"An act to provide for supplying the village of Flushing, Queens county, with pure and wholesome water."

"An act to establish the rates of toll on the Western plank-road, in the counties of Franklin and Clinton."

Senate, "An act to repeal section 2 of an act entitled 'An act to further amend the charter of the village of Albion, in the county of Orleans,' passed April 27, 1871."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Fields, from said committee, reported in favor of the passage of said first and second mentioned bills, the first mentioned with amendments; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Fields, from said committee, also reported in favor of the passage of said third mentioned bill; which report was agreed to, and said bill ordered to a third reading.

By unanimous consent,

Mr. Niles, from the committee on the judiciary, to which was recommended (retaining its place on third reading of bills) the bill entitled "An act for the relief of Patrick Mullins, by providing for the release of his real estate from the lien of a certain bond executed by him," reported in favor of the passage of the same with amendments, which report was agreed to, and said bill replaced on the calendar of third reading of bills.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

Senate, "An act to legalize and confirm the acts and proceedings of Henry C. Duryea, as special surrogate of the county of Orange."

"An act providing for appeals from the decisions of county superintendents of the poor."

"An act to authorize the election of an additional justice of the peace in the town of Manlius, in the county of Onondaga."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Hawkins, from said committee, reported in favor of the passage of said first mentioned bill; which report was agreed to, and said bill ordered to a third reading.

Mr. Hawkins, from said committee, also reported in favor of the passage of said second and third mentioned bills; which report was agreed to, and said bills ordered engrossed for a third reading.

On motion of Mr. Mackay, at 2 o'clock, the House took a recess until 7½ o'clock.

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#### HALF-PAST SEVEN O'CLOCK P. M.

The House again met.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

Senate, "An act to incorporate the Albany Produce Commission Company."

"An act to amend an act entitled 'An act to amend the several acts incorporating the village of Weedsport, in the county of Cayuga,' passed April 7, 1857."

"An act to provide for the speedy construction of sewers in a certain portion of the city of Brooklyn."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Houghton, from said committee, reported progress on said first and third mentioned bills, and asked and obtained leave to sit again.

Mr. Houghton, from said committee, also reported in favor of the passage of said second mentioned bill, with amendments; which report was agreed to, and said bill ordered engrossed for a third reading.

On motion of Mr. Judd, and by unanimous consent, the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Port Richmond,' passed April 24, 1866," was ordered considered in next committee of the whole.

On motion of Mr. Moulton, and by unanimous consent, the bill entitled "An act concerning the responsibility of certain city and county officers of the city and county of New York," was ordered considered in next committee of the whole.

On motion of Mr. I. D. Brown, and by unanimous consent, the Senate bill entitled "An act to confirm the title of Horace T. Cook to the office of a justice of the peace, and to legalize his official acts as such justice of the peace," was ordered considered in next committee of the whole.

The House again resolved itself into a committee of the whole on the bills entitled as follows :

Senate, "An act to confirm the title of Horace T. Cook to the office of a justice of the peace, and to legalize his official acts as such justice of the peace."

"An act concerning the responsibility of certain city and county officers of the city and county of New York."

"An act to amend an act entitled 'An act to incorporate the village of Port Richmond,' passed April 24, 1866."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Fort, from said committee, reported in favor of the passage of said first mentioned bill; which report was agreed to, and said bill ordered to a third reading.

Mr. Fort, from said committee, also reported in favor of the passage of said second mentioned bill, with amendments, and the title amended so as to read "An act for the protection of tax-payers against the frauds, embezzlements and wrongful acts of public officers and agents in the several cities and counties of this State," which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Fort, from said committee, also reported in favor of the passage of said third mentioned bill; which report was agreed to, and said bill ordered engrossed for a third reading.

The House again resolved itself into a committee of the whole on the bills entitled as follows :

"An act to amend an act entitled 'An act requiring the highway tax of the New York Central Railroad Company through the town of Mentz, to be applied to the repairs of certain highways in the said town,' passed April 2, 1862."

"An act to change the name of the First Congregational Church and Society, of Poughkeepsie, New York."

"An act to incorporate the Mosholu Division No. 208, Sons of Temperance."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Foley, from said committee, reported in favor of the passage of said first and second mentioned bills, the first mentioned with amendments;

which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Foley, from said committee, also reported progress on said last mentioned bill, and asked and obtained leave to sit again.

The House again resolved itself into a committee of the whole on the bills entitled as follows :

"An act to authorize the Bruynswick Rural Cemetery Association, in the county of Ulster, to acquire title to property for burial purposes."

"An act to confirm the conveyance of real and personal estate by the 'Beth El' congregation of Jews, of the city of New York, to the congregation 'Shaaray Tefila,' of the city of New York."

"An act to enable the Shepherd's Fold of the Protestant Episcopal Church in the State of New York to take by grant, and hold real estate to the amount of one hundred thousand dollars."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Pell, from said committee, reported in favor of the passage of said bills, the third mentioned with an amendment ; which report was agreed to, and said bills ordered engrossed for a third reading.

By unanimous consent, Mr. Mackay introduced a bill entitled "An act in relation to supervisors of the county of New York, and to constitute a new board thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Judd introduced a bill entitled "An act to amend the act entitled 'An act to extend the operation and effect of the act passed February 17, 1848, entitled An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed April 15, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trade and manufactures.

Leave of absence was granted to Messrs. Lynde and Squires, indefinitely, on account of sickness.

On motion of Mr. Woolsey, at 10 o'clock and 50 minutes, the House adjourned.

## WEDNESDAY, JANUARY 31, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Dean.

The journal of yesterday was read and approved.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows :

"An act for the relief of Cornelia Townsend," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on grievances.

"An act to amend an act passed April 22, 1862, entitled 'An act to incorporate the Union Home and School for the education and maintenance of the children of volunteers,' and the act amendatory thereof, passed March 30, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.



"An act to amend an act entitled 'An act in relation to the fees of sheriffs, except in the counties of New York, Kings and Westchester,' passed April 12, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 156 of the Laws of 1868, entitled 'An act to incorporate the village of Greenport, Suffolk county,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to repeal chapter 668 of the Laws of 1871, entitled 'An act to provide for the payment of counsel required to be employed on behalf of the State in pursuance of the provisions of section 2 of chapter 321 of the Laws of 1870,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act for the erection of an iron bridge over the Champlain canal at Comstock's Landing, in the county of Washington," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to authorize Orson Richards and Eber Richards to construct and maintain a swing bridge over the Glen's Falls feeder, in the village of Sandy Hill," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Pursuant to the ninth joint rule, Mr. Speaker announced the order of business third reading of bills.

The bill entitled "An act to provide for the formation of free public libraries," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                |
|---------------|-------------|------------|------------|----------------|
| Abbott        | Davidson    | Holdridge  | Moulton    | Sniper         |
| Alvord        | Dykeman     | Hollister  | Murdock    | Snyder         |
| I. H. Babcock | Eastman     | Haughton   | Niles      | Speaker        |
| Badeau        | Enos        | Hungerford | Oakley     | Swain          |
| Baltz         | Foley       | Hyatt      | Paige      | Tobey          |
| Beckwith      | Fowler      | Jacobs     | Peck       | M. M. Tompkins |
| Bennett       | Goss        | Judd       | Pierce     | Tucker         |
| Berri         | Green       | Kingsland  | Preston    | Vedder         |
| E. E. Brown   | Greenhalgh  | Lewis      | Prince     | Wells          |
| I. D. Brown   | Gregory     | Lincoln    | Ray        | West           |
| Buckley       | Haight      | Lippitt    | Rice       | Whitbeck       |
| Burns         | Hart        | G. D. Lord | Roche      | White          |
| Chamberlain   | Haughton    | G. P. Lord | Rose       | Wiley          |
| Chambers      | Hawkins     | Lott       | Sage       | Woodward       |
| Cook          | A. L. Hayes | Loughran   | Shepardson | Woolsey        |
| Couchman      | Herrick     | Mackay     | Simson     | Wyman          |
| Crandall      | D. B. Hill  | Mosher     | Smiley     | Yeomans        |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act relating to the settling, signing and sealing of bills of exceptions in criminal cases," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |             |            |                |
|---------------|------------|-------------|------------|----------------|
| Abbott        | Couchman   | A. L. Hayes | Loughran   | Simson         |
| Aitken        | Crandall   | Herrick     | Mackay     | Smiley         |
| Alberger      | Davidson   | D. B. Hill  | Mosher     | Smyth          |
| Alvord        | Eastman    | Holdridge   | Murdock    | Sniper         |
| I. H. Babcock | Enos       | Hollister   | Niles      | Speaker        |
| Badeau        | Flammer    | Houghton    | Paige      | Swain          |
| Baltz         | Foley      | Hungerford  | Peck       | Tobey          |
| Beckwith      | Fort       | Husted      | Pell       | D. Tomkins     |
| Bennett       | Fowler     | Hyatt       | Pierce     | M. M. Tompkins |
| Berri         | Goss       | Jacobs      | Preston    | Tucker         |
| Buckley       | Greenhalgh | Kingsland   | Prince     | Vedder         |
| Burns         | Gregory    | Lewis       | Ray        | West           |
| Campbell      | Griffin    | Lincoln     | Rice       | Whitbeck       |
| Carroll       | Haight     | Lippitt     | Roche      | Woolsey        |
| Chamberlain   | Hart       | G. D. Lord  | Sage       | Wyman          |
| Chambers      | Haughton   | Lott        | Shepardson | Yeomans        |
| Cook          | Hawkins    |             |            |                |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act concerning the appointment of notaries public, and to legalize the acts of such as have removed from one county to another," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 71 }  
{ NOES 21 }

Those who voted in the affirmative, were

|             |            |            |            |          |
|-------------|------------|------------|------------|----------|
| Abbott      | Davidson   | Holdridge  | Loughran   | Simson   |
| Aitken      | Dykeman    | Hollister  | Mosher     | Smyth    |
| Alvord      | Enos       | Houghton   | Moulton    | Sniper   |
| Badeau      | Flammer    | Hungerford | Murdock    | Snyder   |
| Beckwith    | Fowler     | Hyatt      | Niles      | Speaker  |
| Bennett     | Geib       | Jacobs     | Oakley     | Swain    |
| Berri       | Green      | Judd       | Peck       | Tobey    |
| E. E. Brown | Greenhalgh | Kingsland  | Pell       | Tucker   |
| I. D. Brown | Gregory    | Lewis      | Pierce     | Vedder   |
| Buckley     | Haight     | Lincoln    | Preston    | Wells    |
| Burns       | Hart       | Lippitt    | Prince     | West     |
| Burritt     | Hawkins    | G. D. Lord | Rice       | Whitbeck |
| Cook        | A. Hill    | G. P. Lord | Sage       | White    |
| Couchman    | D. B. Hill | Lott       | Shepardson | Wiley    |
| Crandall    |            |            |            |          |

Those who voted in the negative, were

|          |       |         |       |                |
|----------|-------|---------|-------|----------------|
| Alberger | Foley | Herrick | Roche | M. M. Tompkins |
| Baltz    | Goss  | Mackay  | Rose  | Woolsey        |

Chambers  
Eastman  
Fields

Griffin  
Haughton

Moseley  
Ray

Smiley  
D. Tomkins

Wyman  
Yeomans

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The private secretary of the Governor appeared in the Assembly chamber, and presented a communication from the Governor, in the words following :

EXECUTIVE CHAMBER, }  
ALBANY, *January 31, 1872.* }

*To the Assembly :*

To a resolution, passed by you yesterday, requesting me to inform you whether bills had been presented to me purporting to have passed the Legislature, from which I withheld my signature, on the ground that certain provisions found in them had not in fact passed the Legislature, and to communicate any facts or circumstances within my knowledge having any material bearing upon the subject, I respectfully reply that there are only two instances of this nature of which I can now remember the particulars. One was a bill to authorize the New York River Road Company to construct certain railroads in the city of New York, sent to me at the end of the legislative session of 1869, which I declined to approve for reasons which will be found in the memorandum filed with the bill at the time; of which memorandum the following is a copy :

"Not approved. Amendments to this bill were made in the Senate, and it was sent to the Assembly for their concurrence therein. Some members of the House inform me that the Assembly did not thereafter act on it. The Clerk thinks it did not. The Assembly journal, nevertheless, shows concurrence; after which the bill should have been sent to the Senate to be signed by the President thereof. The usual message in such cases from the Assembly to the Senate is not found with the bill, and the Senate journal does not show that the bill was returned to it. In case of its return, the bill would have been sent by the Senate clerk to the President of the Senate to be signed, whereas the journal clerk of the Assembly admits that he took it directly to the President of the Senate, and obtained his signature; he must have done so by managing to place it among the bills then regularly before him from the Senate. This was irregular and contrary to positive orders from the Lieutenant-Governor and the Clerk of the Senate.

"The Assembly journal clerk could have had no motive for carrying the bill himself to the President of the Senate, if, by regular action of the two Houses, it had been properly on its way to that officer. The Senate's journal is, no doubt, correct. The bill was not returned, as it should have been, to the Senate, and I decline to sign it."

The other was the bill to supply deficiencies in appropriations for the support of the government, commonly known as the supply bill, passed at the last session. This bill, engrossed complete, together with the original memoranda of the conference committee, from which it had been engrossed, was, a day or two after the adjournment of the Legislature last year, brought to me by the Clerk of the House of Assembly, with the reservation that it was not to be considered as formally delivered, and with the request that before it was so delivered I would aid him in the comparison of the engrossed bill and such memoranda. I proceeded to examine the bill, item by item, and became satisfied that it was incorrectly engrossed as to three or four items found in it, which, as



far as could be determined from the memoranda accompanying it, had not been reported for acceptance by the conference committee, nor passed by the Legislature.

The Lieutenant-Governor and the Speaker of the Assembly were present, and were also satisfied that the bill was erroneously engrossed, in these particulars, and they erased their signatures from it. The bill was handed back to the Clerk of the House, was re-engrossed correctly, and sent to me for signature. Other instances have occurred, during the last three sessions, of bills being sent to me for approval, engrossed so as to omit material amendments, which were shown by the messages passed between the two Houses to have been adopted, and which messages accompanied each bill when it came to me. In other instances bills have been recalled from me for the express purpose of inserting in them some amendment or correcting some inaccuracy, and have come back to me again unaltered.

It is impossible for me to give, in all these instances, the titles of the bills or the particulars in which they were found to be erroneously engrossed. In the supply bill of last year one of the items found to have been incorrectly inserted was an appropriation of extra pay to Mr. Wasson, a former Canal Appraiser; another was an amendment authorizing the appointment of two additional commissioners for building the Elmira penitentiary; another was a counsel fee appropriated for Messrs. Buell and Erhardt, and the fourth a provision regulating the publication of the periodical statements of monied and other corporations. In relation to these particulars, I speak from memory and without any record. It was found on examination that one, perhaps two, of these items had not originated in either House, but had been brought forward for the first time in the conference committee.

It is obvious that if conference committees, which are appointed for the purpose simply of adjusting matters which the two Houses have already considered, and upon which they have been unable to agree, will undertake themselves to originate propositions and pass upon them, thus assuming the proper work of the Legislature, which they have no right to do, we may expect, in all such instances as those of appropriation bills consisting of many items, that there will be great difficulty in keeping the record correct. It appeared, also, that it is the practice of conference committees, in such instances, to submit their final report, not written out in full, but in the shape of a mere list of the many propositions upon which the Houses have disagreed, with a brief mark, generally in pencil, opposite to each one, such as the words "out," and "in," "agreed," or "disagreed," to indicate, and with nothing else to indicate, what the decision of the conference committee was as to each item.

In this shape it is read to the House, the clerk supplying the proper formal words in place of the marks "out" and "in," or the like. In this rough shape it is handed over to the engrossing clerks to guide them in their important duty, and in this shape it came to me with this supply bill. When the bulk of an ordinary supply bill and the number of items found in it are considered, it is not surprising that errors in engrossing from these rough minutes should occur. If the Legislature would insist that in all cases conference committees should take time to have their report written out in full before submitting it to the two Houses, mistakes, as to the action of the committee, or of the Legislature on their reports, could hardly occur.

The vigilance of the Legislature and its committees should be sufficient to guard against inaccuracies of language, surreptitious insertion of matter not pertinent to the general purpose of a bill, errors in engrossing and the like. The Governor's duty in examining a bill submitted to him, should be limited to considering the general scope and purpose of the proposed law. Nevertheless, I have been obliged, in some instances, to refuse my signature to bills passed, simply because the language was careless and not suited to the purpose intended, and, in many more instances have, under a practice established before I came into office, returned bills to the Legislature, at its request, after they had been delivered to me, for the purpose of enabling it to correct inaccurate or fatally defective language, rather than have a bill, the purpose of which was unobjectionable (perhaps important) lost.

It is obvious that if the Legislature will not see to it that its bills are properly worded, framed consistently with other laws, or correctly engrossed, that I cannot, as a matter of duty to the people, suffer these errors to pass, when I discover them; but I submit that this duty should not be imposed on me, and that the Legislature should insist upon its committees giving all the time necessary to the proper preparation and completion of bills. Out of the seventeen bills thus far received at the executive chamber this session, several are, in their structure and phraseology, open to very serious criticism. One has been recalled by the Legislature and amended, and two others I have been requested to hold and am holding so that they may be recalled for the same purpose.

It is, of course, impossible that the Governor alone should discover all the inaccuracies, inconsistencies and improper provisions which may find their way into the one thousand or more bills which it has become the habit to pass every year. The division of labor among the many committees of the two branches of the Legislature makes it much more possible for them to do this work.

I trust that this Legislature will effect a reform in this respect and exercise more care and vigilance over both the character and the form of the bills they may pass; and by taking more time for the details of legislative work, will enact fewer laws and consequently better laws than have, for many years, appeared on our annual statute book. I repeat the recommendation made in my annual message, that all important bills, and especially the several general appropriation bills, may be matured as early as possible in the session, so that if objections occur to me as to any provisions or any items in them, I may have an opportunity to submit my objections to the Legislature to be by it considered and confirmed or overruled as to it may seem proper. The hurried character which the business of the Legislature assumes in the closing days of the session makes that a very unfit period for the consideration of bills of great importance or of so much detail as the general appropriation bills, which last need the earnest and deliberate attention of every member of both Houses.

I make these suggestions respectfully, believing that they are warranted by the spirit of the resolution transmitted to me, and I ask for them your careful consideration.

JOHN T. HOFFMAN.

*Ordered*, That said message be entered upon the journal.

On motion of Mr. Fields, said message was ordered printed and referred to the committee on joint rules.



Mr. Smyth, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to authorize the trustees of Unadilla Academy to sell and convey the property of that corporation, and to dispose of the proceeds of sale."

"An act to authorize the village of Flushing, Queens county, to borrow money and issue bonds therefor, for the purpose of paying the floating indebtedness of said village, and for the general improvement thereof."

"An act to provide for the establishment of fire limits in the village of Tonawanda, Erie county, New York."

"An act to authorize the election of a police justice in and for the village of Flushing, Queens county, and to prescribe his duties and compensation, and regulating charges in criminal proceedings in said village."

"An act to amend the Revised Statutes in relation to reports of deaths to the public administrator."

"An act in relation to the Chemung Railroad Company."

"An act to provide for supplying the village of Flushing, Queens county, with pure and wholesome water."

"An act to authorize the trustees of the village of Clyde, Wayne county, New York, to raise by tax the sum of twelve hundred dollars, wherewith to pay the indebtedness existing against said village."

"An act to establish the rates of toll on the Western plank-road, in the counties of Franklin and Clinton."

"An act to authorize the election of an additional justice of the peace in the town of Manlius, in the county of Onondaga."

"An act in relation to the location and erection of public buildings for the use of the city of Rochester."

"An act to amend an act entitled 'An act to amend the several acts incorporating the village of Weedsport, in the county of Cayuga,' passed April 7, 1857."

"An act to amend an act entitled 'An act requiring the highway tax of the New York Central Railroad Company through the town of Mentz, to be applied to the repairs of certain highways in the said town,' passed April 2, 1862."

"An act to change the name of the First Congregational Church and Society, of Poughkeepsie, New York."

"An act to authorize the Bruynswick Rural Cemetery Association, in the county of Ulster, to acquire title to property for burial purposes."

"An act to enable the Shepherd's Fold of the Protestant Episcopal Church in the State of New York to take by grant, and hold real estate to the amount of one hundred thousand dollars in value."

"An act to confirm the conveyance of real and personal estate by the Beth El congregation of Jews, of the city of New York, to the congregation Shaaray Tefila, of the city of New York."

"An act for the relief of Patrick Mullins, by providing for the release of his real estate from the lien of a certain bond executed by him."

"An act for the protection of tax-payers against the frauds, embezzlement and wrongful acts of public officers and agents in the several cities and counties of this State."

"An act to amend an act entitled 'An act to incorporate the village of Port Richmond,' passed April 24, 1866."

The bill entitled "An act to amend an act entitled 'An act to incorpo-



rate the Port Chester Savings Bank,' passed March 14, 1865," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

} AYES 74 }  
} NOES 15 }

Those who voted in the affirmative, were

|               |            |            |         |                |
|---------------|------------|------------|---------|----------------|
| Abbott        | Davidson   | Haughton   | Lott    | Shepardson     |
| Aitken        | Enos       | Hawkins    | Moseley | Simson         |
| Alvord        | Fields     | Herrick    | Mosher  | Smiley         |
| I. H. Babcock | Flammer    | D. B. Hill | Moulton | Smith          |
| Badeau        | Foley      | Holdridge  | Murdock | Smyth          |
| Baltz         | Fort       | Hollister  | Niles   | Sniper         |
| Beckwith      | Fowler     | Hungerford | Oakley  | Snyder         |
| Bennett       | Geib       | Husted     | Peck    | Swain          |
| E. E. Brown   | Goss       | Jacobs     | Pierce  | D. Tomkins     |
| Burns         | Green      | Judd       | Preston | M. M. Tompkins |
| Burritt       | Greenhalgh | Kingsland  | Prince  | Tucker         |
| Carroll       | Gregory    | Lincoln    | Ray     | Vedder         |
| Cook          | Griffin    | Lippitt    | Rice    | Wells          |
| Couchman      | Haight     | G. D. Lord | Rose    | Whitbeck       |
| Crandall      | Hart       | G. P. Lord | Sage    |                |

Those who voted in the negative, were

|          |          |         |          |         |
|----------|----------|---------|----------|---------|
| Alberger | Loughran | Roche   | West     | Woolsey |
| Eastman  | Mackay   | Speaker | White    | Wyman   |
| Houghton | Pell     | Tobey   | Whitaker | Yeomans |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

A message from the Senate was received and read, in the words following, to wit:

*Resolved* (if the Assembly concur), That a respectful message be sent to His Excellency the Governor, asking him to return the Senate bill entitled "An act to authorize the town of Herkimer, Herkimer county, to issue bonds upon its credit for the purpose of raising money to be contributed toward building a new court-house in said town," for amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing that the Assembly have passed the same.

Mr. Husted, from the committee on rules, reported in words following:

The special committee to whom was referred the rules of the Assembly, for the revision thereof, respectfully report, that they have amended rule 2, paragraph 7, by striking out the words "twenty-five" in line 3, and inserting "twenty" in place thereof

Mr. Speaker put the question whether the House would agree to so much of said report as read, and it was determined in the affirmative.

The committee also reported that they have amended rule 6, by inserting after the word "question" in line 5, the word "but."

Mr. Speaker put the question whether the House would agree to so much of said report, and it was determined in the affirmative.

The balance of the report of said committee was being read, when

Mr. Husted moved to reconsider the votes by which so much of said report as related to the two amendments to the rules, as above stated, were adopted.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

On motion of Mr. Husted, and by unanimous consent, said report was laid upon the table and ordered printed, and made a special order for to-morrow morning, immediately after reading the journal.

(See Doc. No. 32.)

The bill entitled "An act supplementary to and amendatory of 'An act in relation to a public park in the city of Albany,' passed May 5, 1869, and the acts supplementary and amendatory thereof," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 93 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |             |            |                |
|---------------|----------|-------------|------------|----------------|
| Abbott        | Crandall | A. L. Hayes | Moulton    | Smyth          |
| Aitken        | Davidson | Herrick     | Murdock    | Sniper         |
| Alberger      | Dykeman  | A. Hill     | Niles      | Snyder         |
| Alvord        | Eastman  | D. B. Hill  | Oakley     | Speaker        |
| I. H. Babcock | Enos     | Holdridge   | Paige      | Swain          |
| Badeau        | Fields   | Hollister   | Peck       | D. Tomkins     |
| Baltz         | Flammer  | Houghton    | Pell       | M. M. Tompkins |
| Beckwith      | Foley    | Hungerford  | Pierce     | Tucker         |
| Bennett       | Fort     | Husted      | Preston    | Vedder         |
| Berri         | Fowler   | Hyatt       | Prince     | Wells          |
| I. D. Brown   | Geib     | Judd        | Ray        | West           |
| Buckley       | Goss     | Kingsland   | Rice       | Whitbeck       |
| Burns         | Green    | Lewis       | Roche      | White          |
| Burrill       | Gregory  | Lincoln     | Rose       | Whitaker       |
| Carroll       | Griffin  | Lippitt     | Sage       | Woodward       |
| Chamberlain   | Haight   | G. D. Lord  | Shepardson | Woolsey        |
| Chambers      | Hart     | Lott        | Smiley     | Wyman          |
| Cook          | Haughton | Mackay      | Smith      | Yeomans        |
| Couchman      | Hawkins  | Mosher      |            |                |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to authorize the trustees of the village of Ellenville to borrow money for the purpose of introducing water into the village, and to control and regulate the use of the same,' passed April 5, 1866, and supplemental thereto," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |         |            |         |        |
|---------------|---------|------------|---------|--------|
| Abbott        | Eastman | A. Hill    | Moseley | Smyth  |
| Alvord        | Enos    | D. B. Hill | Moulton | Sniper |
| I. H. Babcock | Fields  | Holdridge  | Murdock | Snyder |

|             |            |            |            |                |
|-------------|------------|------------|------------|----------------|
| Badeau      | Flammer    | Hollister  | Niles      | Speaker        |
| Baltz       | Foley      | Houghton   | Oakley     | Swain          |
| Beckwith    | Fort       | Hungerford | Paige      | M. M. Tompkins |
| Bennett     | Fowler     | Husted     | Peck       | Tucker         |
| Berri       | Geib       | Hyatt      | Pell       | Vedder         |
| E. E. Brown | Goring     | Judd       | Pierce     | Wells          |
| I. D. Brown | Green      | Lewis      | Preston    | West           |
| Buckley     | Greenhalgh | Lincoln    | Prince     | Whitbeck       |
| Burritt     | Gregory    | Lippitt    | Ray        | White          |
| Carroll     | Griffin    | G. D. Lord | Rice       | Whitaker       |
| Chambers    | Haight     | G. P. Lord | Rose       | Woodward       |
| Couchman    | Hart       | Lott       | Shepardson | Woolsey        |
| Crandall    | Haughton   | Loughran   | Simson     | Wyman          |
| Davidson    | Herrick    | Mackay     | Smiley     | Yeomans        |
| Dykeman     |            |            |            |                |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled "An act to incorporate the city of Lockport," passed April 11, 1865, and the acts amendatory thereof," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                |
|---------------|------------|------------|------------|----------------|
| Abbott        | Dykeman    | A. Hill    | Mosher     | Sniper         |
| Aitken        | Eastman    | D. B. Hill | Moulton    | Speaker        |
| Alvord        | Enos       | Holdridge  | Niles      | Swain          |
| I. H. Babcock | Fields     | Houghton   | Paige      | D. Tomkins     |
| Badeau        | Flammer    | Hungerford | Pell       | M. M. Tompkins |
| Baltz         | Fort       | Husted     | Pierce     | Tucker         |
| Beckwith      | Fowler     | Hyatt      | Preston    | Vedder         |
| Bennett       | Geib       | Judd       | Prince     | Wells          |
| Berri         | Goring     | Lewis      | Ray        | Whitbeck       |
| Buckley       | Goss       | Lincoln    | Rice       | White          |
| Burritt       | Green      | Lippitt    | Shepardson | Whitaker       |
| Campbell      | Greenhalgh | G. D. Lord | Simson     | Woodward       |
| Chambers      | Griffin    | G. P. Lord | Smiley     | Woolsey        |
| Couchman      | Haight     | Lott       | Smith      | Wyman          |
| Crandall      | Hart       | Loughran   | Smyth      | Yeomans        |
| Davidson      | Herrick    | Moseley    |            |                |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the city of Oswego to convey by deed certain land in said city," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

|          |         |           |         |        |
|----------|---------|-----------|---------|--------|
| Aitken   | Enos    | Holdridge | Mackay  | Smith  |
| Alberger | Fields  | Hollister | Mosher  | Smyth  |
| Alvord   | Flammer | Houghton  | Moulton | Sniper |



|               |            |            |            |            |
|---------------|------------|------------|------------|------------|
| I. H. Babcock | Foley      | Hungerford | Murdock    | Snyder     |
| Badeau        | Fort       | Husted     | Niles      | Swain      |
| Baltz         | Fowler     | Hyatt      | Peck       | Tobey      |
| Beckwith      | Goring     | Jacobs     | Pell       | D. Tomkins |
| Bennett       | Goss       | Judd       | Pierce     | Tucker     |
| Berri         | Green      | Kingsland  | Preston    | Vedder     |
| E. E. Brown   | Greenhalgh | Lewis      | Prince     | Wells      |
| Buckley       | Gregory    | Lincoln    | Ray        | West       |
| Burns         | Griffin    | Lippitt    | Roche      | Whitbeck   |
| Burritt       | Haight     | G. D. Lord | Rose       | White      |
| Carroll       | Herrick    | G. P. Lord | Shepardson | Whitaker   |
| Crandall      | A. Hill    | Lott       | Simson     | Woolsey    |
| Davidson      | D. B. Hill | Loughran   | Smiley     | Yeomans    |
| Eastman       |            |            |            |            |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the board of education of district No. 9, in the town of Perinton, to construct a school building, and provide means for payment therefor," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 91 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                |
|---------------|------------|------------|------------|----------------|
| Abbott        | Fields     | D. B. Hill | Moulton    | Smyth          |
| Aitken        | Flammer    | Holdridge  | Murdock    | Sniper         |
| Alberger      | Foley      | Hollister  | Niles      | Snyder         |
| Alvord        | Fort       | Houghton   | Paige      | Swain          |
| I. H. Babcock | Fowler     | Hungerford | Peck       | Tobey          |
| Badeau        | Goring     | Husted     | Pell       | D. Tomkins     |
| Beckwith      | Goss       | Hyatt      | Pierce     | M. M. Tompkins |
| Bennett       | Green      | Jacobs     | Preston    | Tucker         |
| Berri         | Greenhalgh | Kingsland  | Prince     | Vedder         |
| Buckley       | Gregory    | Lewis      | Ray        | Wells          |
| Burns         | Griffin    | Lincoln    | Rice       | West           |
| Campbell      | Haight     | Lippitt    | Roche      | Whitbeck       |
| Carroll       | Hart       | G. D. Lord | Rose       | White          |
| Chambers      | Haughton   | G. P. Lord | Sage       | Whitaker       |
| Crandall      | Hawkins    | Lott       | Shepardson | Woodward       |
| Davidson      | J. Hayes   | Loughran   | Simson     | Woolsey        |
| Dykeman       | Herrick    | Mackay     | Smiley     | Wyman          |
| Eastman       | A. Hill    | Mosher     | Smith      | Yeomans        |
| Enos          |            |            |            |                |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to amend an act entitled 'An act to amend the act incorporating the village of Plattsburgh,' passed April 13, 1859, passed April 20, 1871," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 90 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |             |            |                |
|---------------|------------|-------------|------------|----------------|
| Abbott        | Davidson   | Hawkins     | G. P. Lord | Simson         |
| Aitken        | Dykeman    | A. L. Hayes | Lott       | Smiley         |
| Alberger      | Eastman    | Herrick     | Loughran   | Smith          |
| Alvord        | Enos       | A. Hill     | Mackay     | Smyth          |
| I. H. Babcock | Fields     | D. B. Hill  | Mosher     | Snyder         |
| Badeau        | Flammer    | Holdridge   | Moulton    | Swain          |
| Baltz         | Foley      | Hollister   | Murdock    | Tobey          |
| Beckwith      | Fort       | Houghton    | Niles      | D. Tomkins     |
| Bennett       | Fowler     | Hungerford  | Paige      | M. M. Tompkins |
| Berri         | Goring     | Husted      | Peck       | Tucker         |
| E. E. Brown   | Goss       | Hyatt       | Pell       | Wells          |
| I. D. Brown   | Green      | Jacobs      | Preston    | West           |
| Burritt       | Greenhalgh | Judd        | Prince     | White          |
| Campbell      | Gregory    | Kingsland   | Ray        | Whitaker       |
| Carroll       | Griffin    | Lewis       | Roche      | Woodward       |
| Chambers      | Haight     | Lincoln     | Rose       | Woolsey        |
| Cook          | Hart       | Lippitt     | Sage       | Wyman          |
| Crandall      | Haughton   | G. D. Lord  | Shepardson | Yeomans        |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act for the relief of Patrick Mullins, by providing for the release of his real estate from the lien of a certain bond executed by him," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 6 }

Those who voted in the affirmative, were

|               |             |            |            |            |
|---------------|-------------|------------|------------|------------|
| Abbott        | Davidson    | Herrick    | Mosher     | Smyth      |
| Alberger      | Dykeman     | A. Hill    | Moulton    | Sniper     |
| Alvord        | Eastman     | D. B. Hill | Murdock    | Speaker    |
| I. H. Babcock | Enos        | Holdridge  | Niles      | Swain      |
| Badeau        | Flammer     | Hollister  | Peck       | Tobey      |
| Baltz         | Fort        | Houghton   | Pell       | D. Tomkins |
| Beckwith      | Fowler      | Hungerford | Pierce     | Vedder     |
| Bennett       | Goring      | Husted     | Preston    | Wells      |
| Berri         | Green       | Jacobs     | Prince     | West       |
| E. E. Brown   | Greenhalgh  | Judd       | Ray        | Whitbeck   |
| I. D. Brown   | Gregory     | Kingsland  | Rice       | White      |
| Burns         | Griffin     | Lewis      | Roche      | Whitaker   |
| Burritt       | Haight      | Lincoln    | Rose       | Woolsey    |
| Campbell      | Haughton    | Lippitt    | Shepardson | Wyman      |
| Cook          | Hawkins     | Lott       | Simson     | Yeomans    |
| Crandall      | A. L. Hayes | Mackay     | Smiley     |            |

Those who voted in the negative, were

|        |      |            |          |        |
|--------|------|------------|----------|--------|
| Aitken | Geib | G. P. Lord | Loughran | Oakley |
| Foley  |      |            |          |        |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to incorporate Smyrna Lodge No. 116, Independent Order of Odd Fellows of the State of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 72 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |             |            |            |                |
|---------------|-------------|------------|------------|----------------|
| Abbott        | Dykeman     | Herrick    | Moseley    | Smyth          |
| Alberger      | Enos        | A. Hill    | Mosher     | Sniper         |
| Alvord        | Flammer     | D. B. Hill | Moulton    | <b>Speaker</b> |
| I. H. Babcock | Fort        | Holdridge  | Murdock    | Swain          |
| Badeau        | Fowler      | Hollister  | Niles      | Tobey          |
| Beckwith      | Geib        | Houghton   | Peck       | M. M. Tompkins |
| Bennett       | Goring      | Hungerford | Pell       | Tucker         |
| E. E. Brown   | Goss        | Hyatt      | Preston    | Vedder         |
| I. D. Brown   | Green       | Jacobs     | Ray        | Wells          |
| Burns         | Greenhalgh  | Lincoln    | Rice       | West           |
| Burritt       | Gregory     | Lippitt    | Rose       | Whitaker       |
| Campbell      | Haight      | Lott       | Shepardson | Woolsey        |
| Cook          | Haughton    | Loughran   | Smiley     | Wyman          |
| Crandall      | Hawkins     | Mackay     | Smith      | Yeomans        |
| Davidson      | A. L. Hayes |            |            |                |

For the negative

Foley

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

On motion of Mr. Alvord, and by unanimous consent,

*Resolved* (if the Senate concur), That a respectful message be sent to His excellency the Governor, requesting the return of the bill entitled "An act prescribing the officers and employes that may be elected, appointed or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof," for amendment.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the city of Buffalo to raise money to extend the supply of water to the city and its inhabitants, and for that purpose to issue its bonds," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 94 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |         |            |         |                |
|---------------|---------|------------|---------|----------------|
| Abbott        | Dykeman | Herrick    | Mackay  | Smiley         |
| Aitken        | Eastman | A. Hill    | Moseley | Smith          |
| Alberger      | Enos    | D. B. Hill | Mosher  | Smyth          |
| Alvord        | Fields  | Holdridge  | Moulton | Sniper         |
| I. H. Babcock | Flammer | Hollister  | Murdock | Snyder         |
| Badeau        | Foley   | Houghton   | Niles   | <b>Speaker</b> |
| Baltz         | Fort    | Hungerford | Oakley  | Swain          |
| Beckwith      | Fowler  | Husted     | Paige   | Tobey          |



|             |             |            |            |                |
|-------------|-------------|------------|------------|----------------|
| Bennett     | Geib        | Hyatt      | Peck       | M. M. Tompkins |
| E. E. Brown | Goring      | Jacobs     | Pell       | Tucker         |
| I. D. Brown | Goss        | Judd       | Pierce     | Vedder         |
| Burns       | Green       | Kingsland  | Preston    | Wells          |
| Burritt     | Greenhalgh  | Lewis      | Prince     | West           |
| Carroll     | Gregory     | Lincoln    | Ray        | Whitbeck       |
| Chamberlain | Griffin     | Lippitt    | Rice       | Whitaker       |
| Chambers    | Haight      | G. D. Lord | Rose       | Woolsey        |
| Cook        | Haughton    | G. P. Lord | Sage       | Wyman          |
| Crandall    | Hawkins     | Lott       | Shepardson | Yeomans        |
| Davidson    | A. L. Hayes | Loughran   | Simson     |                |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend the certificate of incorporation or charter of the Midnight Mission," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 91 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |             |            |          |
|---------------|------------|-------------|------------|----------|
| Abbott        | Crandall   | Haughton    | G. D. Lord | Simson   |
| Aitken        | Davidson   | Hawkins     | G. P. Lord | Smiley   |
| Alberger      | Dykeman    | A. L. Hayes | Lott       | Smith    |
| Alvord        | Eastman    | J. Hayes    | Loughran   | Smyth    |
| I. H. Babcock | Enos       | Herrick     | Mackay     | Sniper   |
| Badeau        | Fields     | A. Hill     | Moseley    | Speaker  |
| Baltz         | Flammer    | D. B. Hill  | Moulton    | Tobey    |
| Beckwith      | Foley      | Holdridge   | Murdock    | Tucker   |
| Bennett       | Fort       | Hollister   | Niles      | Vedder   |
| E. E. Brown   | Fowler     | Houghton    | Oakley     | Wells    |
| I. D. Brown   | Geib       | Hungerford  | Peck       | West     |
| Burns         | Goring     | Husted      | Pell       | Whitbeck |
| Burritt       | Goss       | Hyatt       | Preston    | White    |
| Campbell      | Green      | Jacobs      | Prince     | Whitaker |
| Carroll       | Greenhalgh | Judd        | Ray        | Woodward |
| Chamberlain   | Gregory    | Kingsland   | Rice       | Woolsey  |
| Chambers      | Griffin    | Lewis       | Rose       | Wyman    |
| Cook          | Haight     | Lincoln     | Sage       | Yeomans  |
| Couchman      |            |             |            |          |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend the Revised Statutes in relation to reports of deaths to the public administrator," being announced for a third reading,

Mr. Fields moved to refer said bill to the committee on the judiciary, retaining its place on third reading of bills.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The Senate returned the concurrent resolution recalling from the Governor the bill entitled "An act prescribing the officers and employes that may be elected, appointed or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof," for amendment, with a message that they had concurred in the passage of the same, without amendment.

*Ordered,* That the Clerk deliver said resolution to the Governor.

The bill entitled "An act to authorize the trustees of Unadilla Academy to sell and convey the property of that corporation, and to dispose of the proceeds of sale," being announced for a third reading,

On motion of Mr. Tucker, said bill was laid aside.

The bill entitled "An act to provide for the establishment of fire limits in the village of Tonawanda, Erie county, New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |          |            |
|---------------|------------|------------|----------|------------|
| Abbott        | Chambers   | J. Hayes   | Loughran | Sage       |
| Aitken        | Crandall   | A. Hill    | Mackay   | Smiley     |
| Alberger      | Davidson   | D. B. Hill | Moseley  | Smith      |
| Alvord        | Dykeman    | Holdridge  | Mosher   | Smyth      |
| I. H. Babcock | Eastman    | Hollister  | Moulton  | Speaker    |
| Badeau        | Enos       | Houghton   | Murdock  | Swain      |
| Baltz         | Flammer    | Hungerford | Niles    | D. Tomkins |
| Beckwith      | Foley      | Husted     | Oakley   | Vedder     |
| Bennett       | Fort       | Jacobs     | Paige    | Wells      |
| Berri         | Fowler     | Judd       | Peck     | West       |
| E. E. Brown   | Geib       | Kingsland  | Pell     | Whitbeck   |
| I. D. Brown   | Goss       | Lewis      | Pierce   | Whitaker   |
| Burns         | Green      | Lincoln    | Preston  | Woodward   |
| Burritt       | Greenhalgh | Lippitt    | Prince   | Woolsey    |
| Campbell      | Gregory    | G. D. Lord | Rice     | Wyman      |
| Carroll       | Haight     | Lott       | Roche    | Yeomans    |
| Chamberlain   | Hawkins    |            |          |            |

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the village of Flushing, Queens county, to borrow money and issue bonds therefor, for the purpose of paying the floating indebtedness of said village, and for the general improvement thereof," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |             |         |            |
|---------------|----------|-------------|---------|------------|
| Abbott        | Davidson | A. L. Hayes | Mackay  | Smith      |
| Aitken        | Dykeman  | J. Hayes    | Moseley | Smyth      |
| Alberger      | Eastman  | A. Hill     | Moulton | Sniper     |
| Alvord        | Enos     | D. B. Hill  | Murdock | Snyder     |
| I. H. Babcock | Fields   | Holdridge   | Niles   | Speaker    |
| Baltz         | Flammer  | Hollister   | Oakley  | Swain      |
| Beckwith      | Foley    | Houghton    | Peck    | D. Tomkins |
| Bennett       | Fort     | Hungerford  | Pell    | Wells      |
| I. D. Brown   | Fowler   | Hyatt       | Pierce  | West       |
| Burritt       | Geib     | Jacobs      | Preston | Whitbeck   |

|             |            |            |        |          |
|-------------|------------|------------|--------|----------|
| Campbell    | Goring     | Judd       | Prince | White    |
| Carroll     | Goss       | Lewis      | Ray    | Whitaker |
| Chamberlain | Greenhalgh | Lincoln    | Rice   | Woodward |
| Chambers    | Gregory    | Lippitt    | Roche  | Woolsey  |
| Cook        | Haight     | G. D. Lord | Rose   | Wyman    |
| Couchman    | Haughton   | Lott       | Simson | Yeomans  |
| Crandall    | Hawkins    | Loughran   | Smiley |          |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to change the name of the Flatbush Avenue Industrial School and Nursery," was read a third time

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 74 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |            |
|---------------|------------|------------|------------|------------|
| Abbott        | Davidson   | Houghton   | Niles      | Smyth      |
| Aitken        | Dykeman    | Hungerford | Oakley     | Sniper     |
| Alberger      | Enos       | Husted     | Paige      | Speaker    |
| Alvord        | Fort       | Hyatt      | Peck       | Swain      |
| I. H. Babcock | Fowler     | Judd       | Pell       | D. Tomkins |
| Badeau        | Geib       | Lewis      | Pierce     | Vedder     |
| Baltz         | Goring     | Lincoln    | Preston    | West       |
| Beckwith      | Goss       | Lippitt    | Prince     | Whitbeck   |
| Bennett       | Green      | G. D. Lord | Ray        | White      |
| E. E. Brown   | Greenhalgh | Lott       | Rice       | Whitaker   |
| I. D. Brown   | Hawkins    | Loughran   | Rose       | Woodward   |
| Campbell      | A. Hill    | Mackay     | Shepardson | Woolsey    |
| Carroll       | D. B. Hill | Moseley    | Simson     | Wyman      |
| Chamberlain   | Holdridge  | Moulton    | Smiley     | Yeomans    |
| Chambers      | Hollister  | Murdock    | Smith      |            |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, with amendments.

The private secretary of the Governor appeared in the Assembly chamber, and presented a communication from the Governor, in the words following:

EXECUTIVE CHAMBER, }  
ALBANY, January 31, 1872. }

*To the Assembly:*

I return, without approval, Assembly bill No. 16, entitled "An act to legalize and confirm the election of Harrison Clute as superintendent of the poor of the county of Schenectady." It seems to me very clear that this bill should not become a law for the following reasons:

The act to amend and consolidate the several acts relative to the city of Schenectady (chapter 385 of the Laws of 1862) provides, among other things, for the election of a supervisor for each ward of the city, who shall be a member of the board of supervisors of the county; and declares that the supervisors so elected shall have all the powers, exercise all the duties, and be subject to all the provisions of law then applicable to supervisors of towns.

One of the provisions of law applicable to supervisors of towns, and to which, by the words just quoted, supervisors of wards in Schenectady were made subject, was that contained in chapter 80 of the Laws of



1853, which declared that no supervisor of any town should be elected or appointed to hold the office of superintendent of the poor.

At the time of the general election, held in the fall of 1871, Harrison Clute was a supervisor, representing the fifth ward of Schenectady, and the provisions of law, just quoted, in clear and unmistakable terms, forbade his election or appointment to the office of superintendent of the poor of Schenectady county. Nevertheless, he was a candidate before the people for that office at that election, and received, it seems, a majority of the votes cast. That election, so far as he was concerned, was in violation of law, and was void. The bill herewith returned is, of necessity, a recognition of the facts that the disability existed and that the election of Mr. Clute was illegal and invalid; and it declares that such disability is removed as of and from the day preceding that election, and the election "is legalized and confirmed for the full term of three years from the 1st day of January, 1872." In other words, it aims to legislate into a county office for three years a person who has not been legally elected thereto. It is, in effect, a legislative appointment of a county superintendent of the poor, and is in violation of the constitutional provision which declares that county officers shall be elected by the people or appointed by some of the local authorities of the county. However proper it may be for the Legislature to legalize acts of public officers, or of officers *de facto*, invalid by reason of mere omission to comply with some provisions of the statute, it should never seek to give validity to anything done in open violation of law. It is not competent, I submit, for the Legislature to make legal now an election which was void at the time it took place, nor is it competent for it to appoint a superintendent of the poor of Schenectady county; and I submit, further, that this bill will not effect the purpose for which it is designed, to wit, curing the evil now existing in Schenectady county, of a person exercising the powers of an office to which his title is not good. On the contrary, the effect of the bill, if it becomes a law, will be to prolong for nearly three years the present improper condition of things; and it would be necessary hereafter to pass a law legalizing the acts of Mr. Clute, as *de facto* officer, for the whole term.

Mr. Clute's title to the office is not good. I have no doubt on this point; nor has the Legislature, as is proved by its passing this bill. If there were any doubt, however, on this point, it is a question, I submit, which the Legislature should not undertake to decide; it belongs to the judiciary.

The bill appears to me to present one of the worst forms of special legislation. It merely suspends the operation of a general law, in one county, for a brief period, and for the benefit of one person; and at the end of that period the general law is to be again in full force, as well in this one county as in all others.

It is of little importance whether Mr. Clute or some other citizen is made superintendent of the poor this year. It is of importance that a precedent such as this bill would establish should not prevail.

The election was, it is admitted, illegal and void; the office was consequently left vacant; the supervisors, by chapter 257 of the Laws of 1854, have power to fill the vacancy during the year only, the vacancy to be permanently filled by election of the people at the next general election.

I respectfully submit that this bill ought not to become a law, confident that, upon reconsideration, the Legislature will agree with me.

JOHN T. HOFFMAN.

On motion of Mr. Alvord, said communication was laid upon the table.

The bill entitled "An act to authorize the election of a police justice in and for the village of Flushing, Queens county, and to prescribe his duties and compensation, and regulating charges in criminal proceedings in said village," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

} AYES 81 }  
} NOES 00 }

Those who voted in the affirmative, were

|               |            |            |         |            |
|---------------|------------|------------|---------|------------|
| Abbott        | Couchman   | D. B. Hill | Mackay  | Shepardson |
| Aitken        | Crandall   | Holdridge  | Moseley | Simson     |
| Alberger      | Davidson   | Hollister  | Mosher  | Smiley     |
| Alvord        | Dykeman    | Houghton   | Moulton | Smith      |
| I. H. Babcock | Enos       | Hungerford | Murdock | Smyth      |
| Badeau        | Fields     | Husted     | Niles   | Swain      |
| Baltz         | Foley      | Hyatt      | Paige   | D. Tomkins |
| Beckwith      | Fort       | Jacobs     | Peck    | Vedder     |
| Bennett       | Fowler     | Judd       | Pell    | Wells      |
| E. E. Brown   | Geib       | Lewis      | Preston | West       |
| I. D. Brown   | Goss       | Lincoln    | Prince  | Whitbeck   |
| Burns         | Greenhalgh | Lippitt    | Ray     | Whitaker   |
| Burritt       | Gregory    | G. D. Lord | Rice    | Woodward   |
| Carroll       | Haughton   | G. P. Lord | Roche   | Woolsey    |
| Chamberlain   | Hawkins    | Lott       | Rose    | Wyman      |
| Chambers      | A. Hill    | Loughran   | Sage    | Yeomans    |
| Cook          |            |            |         |            |

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

A message was received from the Governor, in the words following:

EXECUTIVE CHAMBER, }  
ALBANY, *January 31, 1872.* }

*To the Assembly:*

In compliance with a concurrent resolution of the Senate and Assembly, I return herewith for amendment, Assembly bill No. 8, entitled "An act prescribing the officers and employes that may be elected, appointed or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof."

JOHN T. HOFFMAN.

By unanimous consent, Mr. Alvord moved to reconsider the vote on the final passage of said bill.

Mr. Speaker put the question whether the House would agree to said motion to reconsider the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

} AYES 84 }  
} NOES 00 }

Those who voted in the affirmative, were

|          |          |            |          |        |
|----------|----------|------------|----------|--------|
| Abbott   | Chambers | Hawkins    | Loughran | Simson |
| Aitken   | Cook     | A. Hill    | Mackay   | Smiley |
| Alberger | Couchman | D. B. Hill | Mosher   | Smith  |

|               |            |            |            |            |
|---------------|------------|------------|------------|------------|
| Alvord        | Crandall   | Holdridge  | Moulton    | Smyth      |
| I. H. Babcock | Davidson   | Hollister  | Murdock    | Sniper     |
| Badeau        | Dykeman    | Houghton   | Niles      | Speaker    |
| Baltz         | Enos       | Hungerford | Oakley     | D. Tomkins |
| Beckwith      | Fields     | Husted     | Peck       | Vedder     |
| Bennett       | Flammer    | Hyatt      | Pell       | Wells      |
| Berri         | Fort       | Jacobs     | Pierce     | West       |
| I. D. Brown   | Fowler     | Judd       | Preston    | Whitbeck   |
| Buckley       | Geib       | Lewis      | Prince     | White      |
| Burns         | Goss       | Lincoln    | Ray        | Whitaker   |
| Burritt       | Green      | Lippitt    | Rice       | Woolsey    |
| Campbell      | Greenhalgh | G. D. Lord | Roche      | Wyman      |
| Carroll       | Gregory    | G. P. Lord | Rose       | Yeomans    |
| Chamberlain   | Houghton   | Lott       | Shepardson |            |

Mr. Alvord asked unanimous consent to amend said bill, as follows :

In line 5, section 5, strike out the words "and the chairman of such committee or sub-committee."

In line 7, section 5, strike out the words "or a chairman thereof."

In line 8, section 5, after the words "persons and papers" insert the words "and the chairman of any committee or sub-committee shall have all the power and authority that is now conferred by law upon the chairman of any committee which, by the terms of its appointment, is authorized to send for persons and papers."

In section 3, line 6, before the words "and to the Speaker's clerk" insert the words "to the clerk of the President of the Senate."

Mr. I. D. Brown objected.

Mr. Alvord then moved that said bill be recommitted to the committee on ways and means, with instructions to insert said amendments, and report said bill as amended forthwith.

And on that motion Mr. Husted moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Alvord, and it was determined in the affirmative.

Mr. Alvord, from the committee on ways and means, reported said bill amended, as directed by the House; and on the final passage of said bill, as amended, moved the previous question.

Mr. I. D. Brown then moved to recommit said bill to the committee on ways and means.

Mr. Husted raised the point of order that the motion for the previous question having been made, the gentleman from Cayuga, Mr. I. D. Brown, was out of order.

Mr. Speaker decided the point of order well taken.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 4 }

Those who voted in the affirmative, were

|          |          |         |            |        |
|----------|----------|---------|------------|--------|
| Abbott   | Cook     | Gregory | G. D. Lord | Rose   |
| Aitken   | Couchman | Griffin | Loughran   | Simson |
| Alberger | Crandall | Haight  | Mackay     | Sniper |



|               |            |            |         |            |
|---------------|------------|------------|---------|------------|
| Alvord        | Davidson   | Haughton   | Mosher  | Speaker    |
| I. H. Babcock | Dykeman    | Hawkins    | Moulton | Swain      |
| Baltz         | Eastman    | Herrick    | Murdock | D. Tomkins |
| Beckwith      | Enos       | D. B. Hill | Niles   | Tucker     |
| Bennett       | Fields     | Hollister  | Oakley  | Vedder     |
| Berri         | Flammer    | Houghton   | Paige   | Wells      |
| E. E. Brown   | Foley      | Hungerford | Peck    | West       |
| Buckley       | Fort       | Husted     | Pell    | Whitbeck   |
| Burns         | Fowler     | Jacobs     | Pierce  | Whitaker   |
| Burritt       | Geib       | Judd       | Preston | Wiley      |
| Campbell      | Goring     | Kingsland  | Prince  | Woodward   |
| Carroll       | Goss       | Lewis      | Ray     | Woolsey    |
| Chamberlain   | Green      | Lincoln    | Rice    | Yeomans    |
| Chambers      | Greenhalgh | Lippitt    |         |            |

Those who voted in the negative, were

I. D. Brown      Holdridge      Moseley      Roche

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

The bill entitled "An act in relation to the Chemung Railroad Company," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 8 }

Those who voted in the affirmative, were

|               |            |            |            |            |
|---------------|------------|------------|------------|------------|
| Aitken        | Dykeman    | Hollister  | Mosher     | Smith      |
| Alvord        | Eastman    | Houghton   | Moulton    | Sniper     |
| I. H. Babcock | Enos       | Hungerford | Murdock    | Speaker    |
| Beckwith      | Flammer    | Husted     | Niles      | Swain      |
| Bennett       | Foley      | Hyatt      | Oakley     | D. Tomkins |
| Berri         | Fort       | Jacobs     | Paige      | Tucker     |
| E. E. Brown   | Fowler     | Judd       | Peck       | Vedder     |
| Buckley       | Geib       | Kingsland  | Pierce     | Wells      |
| Burritt       | Goss       | Lewis      | Preston    | West       |
| Campbell      | Green      | Lincoln    | Rice       | Whitbeck   |
| Chamberlain   | Greenhalgh | Lippitt    | Roche      | White      |
| Chambers      | Gregory    | G. D. Lord | Rose       | Whitaker   |
| Cook          | Haughton   | G. P. Lord | Sage       | Woodward   |
| Couchman      | Hawkins    | Lott       | Shepardson | Wymann     |
| Crandall      | D. B. Hill | Loughran   | Simson     | Yeomans    |
| Davidson      | Holdridge  | Mackay     |            |            |

Those who voted in the negative, were

Alberger      Griffin      Pell      Ray      Woolsey  
I. D. Brown      Moseley      Prince

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

On motion of Mr. Enos, and by unanimous consent,

*Resolved* (if the Senate concur), That a respectful message be sent to His Excellency the Governor, requesting the return to the Assembly, for amendment, of the Assembly bill entitled "An act to extend the provisions of chapter 113, of the Laws of the year 1853, entitled 'An act declaring Indian river a public highway.'"

By unanimous consent Mr. Vedder introduced a bill entitled "An act authorizing and directing the surrogate of the county of Cattaraugus, to distribute to the collateral next of kin of Sarah Denman, her legacy, under the last will of her father, Ashbel Freeman, deceased, and also her distributive share as one of the next of kin of the estate of her deceased sister, Catherine Freeman," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent Mr. Loughran introduced a bill entitled "An act to incorporate the city of Kingston, Ulster county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Jacobs moved to lay the order of business, third reading of bills, upon the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Pell presented two remonstrances of importers and dealers in gold and silver ware, against the passage of "An act for the prevention of frauds in the manufacture and sale of gold and silver ware;" which were read and referred to the committee on trade and manufactures.

Mr. Burritt presented a petition of Underhill, Braman & Co., and forty-one business men of Brockport, for a vertical wall on the berm bank of the Erie canal in said village; which was read and referred to the committee on canals.

Mr. I. H. Babcock presented a petition of the citizens of Niagara county, in favor of "An act to enlarge the eighteen mile creek in said county;" which was read and referred to the committee on canals.

Messrs. Smyth, Fowler, Murdock, Lincoln, Swain, I. H. Babcock, Goss, G. D. Lord, Burritt, Crandall, D. B. Hill, Abbott, and Davison presented remonstrances from various parts of the State against legislative interference with the management of the Erie Railway Company; which were read and referred to the committee on railroads.

Mr. Badeau presented a petition from Westchester county to compel the New York and New Haven Railroad Company to reduce their fare and add more trains; which was read and referred to the committee on railroads.

Also, a petition of tax-payers of New Rochelle to grade and improve the highway called North street; which was read and referred to the committee on roads and bridges.

Also, a petition of tax-payers of Pelham, in Westchester county, to be relieved from a commission to construct a public road; which was read and referred to the committee on roads and bridges.

Messrs. Moulton and Whitbeck, severally, presented two petitions of residents of New York, and patrons of the Third Avenue Railroad Company, praying that permission be granted to run palace or drawing-room cars on said railroad; which were read and referred to the committee on railroads.

Mr. Whitaker presented a petition of Solomon L. Krom and eighty-two others, tax-payers of the town of Rochester, Ulster county, against bonding said town for railroad purposes; which was read and referred to the committee on railroads.

Mr. G. D. Lord presented a petition of citizens of Rochester in favor

of Assembly bill 71, for the erection of a public building in said city; which was laid on the table.

Messrs. Geib, Haughton, Pell, Foley, Oakley and Prince, severally, presented petitions of citizens of different parts of the State for reducing rates of ferriage between Brooklyn, E. D., and New York city; which were read and referred to the committee on railroads.

Mr. Husted presented a remonstrance of citizens and tax-payers of Peekskill against the Peekskill water bill; which was read and referred to the committee on the affairs of villages.

Mr. Whitbeck presented a petition of Charles Cornish and others in favor of the exemption of bonds and mortgages from taxation; which was read and referred to the committee on ways and means.

Mr. Sage presented a remonstrance of sixty-eight citizens and tax-payers of the town of Redfield, Oswego county, against the passage of any law increasing the salaries of the county judge or surrogate of said county; which was read and referred to the committee on the judiciary.

Messrs. West, Houghton, Chamberlain, Preston, Woolsey, Alvord, Loughran, Lincoln, Geib, Cook, Whitbeck, Foley, Haight, Fields, Haughton, and Smiley, severally, presented petitions from citizens of various portions of the State in favor of the Beach Pneumatic Underground railroad; which were read and referred to the committee on railroads.

Messrs. Swain, I. D. Brown, Lewis, and G. P. Lord, severally, presented petitions of trustees praying for increase of literature funds of academies and schools; which were read and referred to the committee on ways and means.

Mr. D. B. Hill presented a petition of Margaret Breen for the release of the State in certain lands to her; which was read and referred to the committee on the petitions of aliens.

Also, a petition of the Southern Tier Orphan Home for relief; which was read and referred to the committee on ways and means.

Mr. Crandall presented a petition for regulating fares and freights on railroads in this State; which was read and referred to the committee on railroads.

Mr. G. P. Lord presented a remonstrance from Yates county against the removal of the poor-house site in said county; which was read and referred to the committee on internal affairs.

Mr. I. H. Babcock presented a petition of the committee of Genesee yearly meeting of Friends for a law to suppress the traffic in alcoholic liquors; which was read and referred to the committee on internal affairs.

Also, a remonstrance from Royalton, Niagara county, against the passage of an act releasing from liability the bail of Fernando Hinckey, a former collector of said town; which was read and referred to the committee on internal affairs.

Messrs. Aitken, Berri, Jacobs, Peck, Bennett, Roche, Moseley and White, severally, presented petitions for reducing the rates of ferriage between Brooklyn, eastern district, and New York; which were read and referred to the committee on commerce and navigation.

Mr. Tucker presented a petition of citizens of Otsego, against legislative interference in the management of the Erie Railway Company; which was read and referred to the committee on railroads.

Mr. D. Tomkins presented a petition of Daniel Ullman and 133 others, of Rockland county, praying for the repeal of "An act laying out an ave-



nue running from Rockland lake to Tremont," which was read and referred to the committee on roads and bridges.

Mr. Peck presented a remonstrance against the use of dummy engines on the South Side railroad, Long Island; which was read and referred to the committee on railroads.

Mr. Fort presented a remonstrance against the passage of the Senate bill to facilitate the construction of the Lake Ontario Shore railroad; which was read and referred to the committee on railroads.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act in relation to the filing of certain claims of Ann Egbert, Mrs. C. T. Hill, Ann Egbert, John G. Wormley, Charles H. Hammond, D. L. McNulty, Martin Hammond, George W. Lovell and Lorenzo D. Hughson," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act authorizing the Canal Commissioner of the eastern division, to raise a certain road bed in the town of Kingsbury, county of Washington," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the Watervliet Turnpike Company to construct and maintain a railroad on their present road, and to extend the same into and through the village of West Troy and Cohoes and the town of Watervliet and the city of Albany, to increase the capital stock, and to alter their corporate name,' passed April 15, 1862, by increasing the capital stock of the company for the purpose of paying the outstanding bonds thereof," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to extend to the towns of Skaneateles and Spafford, of the county of Onondaga, the provisions of the act entitled 'An act to amend an act entitled 'An act to authorize the formation of railroad corporations and to regulate the same, passed April 2, 1850, so as to permit municipal corporations to aid in the construction of railroads, passed May 15, 1869,' and of acts amendatory thereof," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to legalize the acts of Stafford Wade, Leveritt Spring, and Aaron A. Spencer, commissioners of the town of Arcade, in purchasing certain bonds and coupons of said town with moneys arising from the sale of certain railroad stock belonging to said town, and to authorize said commissioners to cancel the same," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lord, from the committee on public education, to which was referred the Senate bill entitled "An act in relation to Columbia College in the city of New York," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Woolsey, from the committee on claims, to which was referred the petition of John Tyrrell and James Tyrrell praying for relief, reported

in writing and by bill entitled "An act to authorize the Canal Appraisers to hear and determine the claim of John Tyrrell and James Tyrrell for the loss of their canal boat Barney Bird, of Verona Landing, occasioned by a break in the Erie canal, at or near Fairport, in the spring of 1871, and to award damage for the same," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See *Doc. No. 35.*)

Mr. Herrick, from the committee on internal affairs, to which was referred the bill entitled "An act to extend the time for county superintendents of the poor elected prior to the passage of this act to execute and file their official bond, and to take the oath of office," reported in favor of the passage of the same with amendments, and have amended the title so as to read: "An act in relation to superintendents of the poor," which report was agreed to, and said bill committed to the committee of the whole.

Mr. Herrick, from the committee on internal affairs, to which was referred the bill entitled "An act to incorporate the Little Falls Water-works Company," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Herrick, from the committee on internal affairs, to which was referred the bill entitled "An act to amend chapter 791 of the Laws of 1868, entitled 'An act to more particularly define the duties of overseers of highways and their appointment, in conformity with the provisions of chapter 522 of the Laws of 1865,' passed May 9, 1868," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to repeal chapter 247 of the Laws of 1868, entitled 'An act to incorporate the Metropolitan Boat Club of the city of New York,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act relative to the laying out and opening of Madison avenue, north of 120th street, in the city of New York," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to extend the time for organizing the Niagara Water-works Company," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the village of New Brighton,' passed April 26, 1866, and an act amending the same, passed April 22, 1867, and also an act amending the same, passed April 27, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the Senate bill entitled "An act to incorporate the Delhi Water



Company," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Smiley, from the committee on public printing, to which was referred the resolution to print extra copies of the annual report of the trustees of the New York Asylum for Idiots, reported in favor of the adoption of the following resolution:

*Resolved*, That the usual five hundred copies of the twenty-first annual report of the Trustees of the New York Asylum for Idiots be printed for the use of the institution.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Smiley, from the committee on public printing, to which was referred the resolution to print extra copies of the Auditor's financial report, reported in favor of the adoption of the following resolution:

*Resolved*, That 500 copies of the Auditor's financial report be printed for the use of the Canal Department, in addition to the usual number for the Legislature.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Smiley, from the committee on public printing, to which was referred the resolution to print 2,500 copies of the Comptroller's report, reported in favor of the adoption of the following resolution:

*Resolved*, That 500 copies of the Comptroller's report be printed for the use of the Legislature, and 500 copies for the use of the Comptroller.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Smiley, from the committee on public printing, to which was referred the resolution to print 1,000 extra copies of the Adjutant-General's report, reported in favor of the adoption of the following resolution:

*Resolved*, That 500 extra copies of the Adjutant-General's report be printed and bound for the use of the Adjutant-General's Department.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Smiley, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the Institution for the Instruction of the Deaf and Dumb, reported in favor of the adoption of the following resolution:

*Resolved*, That 500 copies of the annual report of the New York Institution for the Instruction of the Deaf and Dumb, be printed for the use of the trustees of that institution, and 250 copies for distribution by the Superintendent of Public Instruction.

Mr. Speaker put the question whether the House would agree to said resolutions, and it was determined in the affirmative.

Mr. Hyatt, from the committee on the expenditures of the House, reported the following resolution, and recommended its adoption:

*Resolved*, That the Clerk of the House be directed to procure one copy each of the "Directories" of the cities of Albany, New York and Brooklyn, for the Assembly library.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Hyatt, from the committee on the expenditures of the House, to which was referred the resolution of Mr. Yeomans relative to furnishing



the Red Book or Legislative Manual of 1871, for the new members of the House, reported adversely to the adoption thereof.

Debate was had thereon, when

Mr. Alberger moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said report, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the adoption of the original resolution, in the words following: "*Resolved*, That the Clerk of the Assembly be directed to furnish each of the new members of the Assembly with a copy of the Red Book or Legislative Manual of 1871," and it was determined in the affirmative.

Mr. Hyatt, from the committee on expenditures of the House, to which was referred the resolution of Mr. I. D. Brown, relative to seats for pages of the House, reported in favor of the adoption of the following resolution:

*Resolved*, That the Clerk of this House be authorized to procure a suitable number of folding camp stools for the use of pages and messengers, to the end that said pages and messengers, when not actually engaged in the service of the House may not obstruct the aisles, and thereby interfere with the convenience of members.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative.

Mr. Hyatt, from the committee on expenditures of the House, to which was referred the resolution of Mr. Hawkins relative to furnishing copies of the Revised Statutes, reported in favor of the adoption of the following resolution:

*Resolved*, That the Clerk of the House be directed to provide two copies of the Revised Statutes for the Assembly library.

Mr. Speaker then put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Prince, from the committee on the judiciary, to which was referred the concurrent resolutions relative to the adoption of the fifteenth amendment to the Federal Constitution, reported in favor of the adoption of same, with the following amendment: Strike out from the preamble the following words, "And whereas, the action of the Legislature of 1870 in entertaining and adopting the said preamble and resolution is deemed an unwarrantable assumption of authority over a subject-matter not within its prerogatives."

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative.

*Ordered*, That said resolution be referred to the committee of the whole.

Mr. Herrick introduced a bill entitled "An act to authorize plank-road and turnpike companies formed under and by virtue of part 1, chapter 18, title 1, article 5, of the Revised Statutes, to extend their charter or corporate existence," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Mosher introduced a bill entitled "An act to repeal chapter 599, of the Laws of 1871, relating to the Young Men's Association, in the city of Albany," which was read the first time, and by unanimous consent

was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Smith moved to adjourn.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. E. E. Brown introduced a bill entitled "An act to confirm and legalize the action of the board of supervisors of Cayuga county, in relation to the number of superintendents of the poor of said county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. I. D. Brown introduced a bill entitled "An act to amend section 296 of the Code of Procedure, relative to the appointment of referees," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Griffin introduced a bill entitled "An act to amend an act entitled 'An act authorizing the construction of a public highway in the town of Middletown, in the county of Delaware, and the town of Hardenburgh, in Ulster county,' passed April 21, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Pierce introduced a bill entitled "An act to repeal so much of chapter 640, Laws of 1870, as relate to non-resident lands in the county of Franklin," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Enos introduced a bill entitled "An act to prevent the taking of bribes by officers and agents of the State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Aitken introduced a bill entitled "An act to authorize the rebuilding and repairing of certain wharves and piers in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Berri introduced a bill entitled "An act to amend an act entitled 'An act for the further extension of Prospect Park, in the city of Brooklyn,' passed April 24, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Goss introduced a bill entitled "An act for the relief of the town of Perinton, in the county of Monroe," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

Mr. Foley introduced a bill entitled "An act for the protection of livery stable keepers and keepers of horses at riding academies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Foley introduced a bill entitled "An act to define a portion of an act entitled 'An act to make provision for the local governments of the city and county of New York,' passed April 19, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Whitbeck introduced a bill entitled "An act to amend 'An act in relation to the marine court of the city of New York,' passed April 14, 1865," which was read the first time, and by unanimous consent was



also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to authorize and require the New York and Harlem Railroad Company to extend their tracks through certain streets and avenues of the city of New York, for the use of their small cars only," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Hawkins introduced a bill entitled "An act to repeal section 1 of an act to amend an act entitled 'An act to reorganize the local government of the city of New York,' passed April 18, 1871," which was read the first time, and by unanimous consent, was also read the second time, and referred to the committee on the affairs of cities.

Mr. I. H. Babcock introduced a bill entitled "An act to enlarge the eighteen mile creek, in the county of Niagara," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Lincoln introduced a bill entitled "An act to amend an act entitled 'An act to amend an act passed July 21, 1853, entitled An act to amend an act to provide for the incorporation of companies to construct plank-roads,' passed May 7, 1847, and the acts amendatory thereof, passed April 14, 1855," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Oakley introduced a bill entitled "An act to provide for reopening West avenue, in Long Island city, in Queens county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Prince introduced a bill entitled "An act to authorize the descent of real estate to female citizens of the United States, and their descendants, notwithstanding their marriage with aliens," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Judd introduced a bill entitled "An act to limit the number of justices of the peace in the several towns of Richmond county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. D. Tompkins introduced a bill entitled "An act to repeal chapter 670 of the Laws of 1871, entitled 'An act to authorize the making and opening of a road or avenue, from the intersection of the highway running east of Rockland lake with the highway running from the lake to Rockland Lake Landing, in the county of Rockland, to intersect the highway running from Upper Piermont to Orangeburgh,' passed April 21, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Buckley introduced a bill entitled "An act further to provide for the payment of certain certificates issued to the militia of the State for services in the war of 1812," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Mr. Loughran introduced a bill entitled "An act to incorporate the Ulster General Hospital," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.



Mr. Wells introduced a bill entitled "An act to authorize the town of Galen, Wayne county, to raise money by a tax upon the taxable property of said town, to litigate the bonding of said town, to aid in the construction of the Pennsylvania and Sodus Bay railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Niles introduced a bill entitled "An act to enable the supervisors of the city and county of New York to raise money by tax to pay money appropriated by Geo. H. E. Lynch, late clerk of the superior court of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to incorporate the St. Patrick's Temperance and Benevolent Society of Kingsbridgeville, in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Badeau introduced a bill entitled "An act to repeal chapter 906 of the Laws of 1869, as amended by chapte. 649 of the Laws of 1870, and chapter 356, of the Laws of 1871, so far as the same relate to the town of Pelham in Westchester county, and the supervisor thereof for making a public road or highway," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

On motion of Mr. Mackay, and by unanimous consent,

*Resolved*, That the commissioners appointed under the act authorizing the West Side and Yonkers Patent Railway Company to construct an elevated railway in Greenwich street and Ninth avenue in the city of New York, are hereby directed to make a report to this House, within the next thirty days, of the operations of said company, the number of miles of road constructed, probable cost of the same, and if the said company still own and possess said franchise and if not to who or whom transferred, if to a company, what company, and who compose said company, and such particulars in regard to the operation and practicability of said road to meet the demand of rapid transit, and such other matters in connection with the same as to them may deem just and proper.

*Resolved*, That the Clerk of this House forward a copy of this resolution to John H. Morris, secretary of said commission, No. 42 West Fifty-first street, New York.

Mr. Speaker presented a communication from the Secretary of State, transmitting an abstract of the returns and reports of the superintendents of the poor of the several counties of this State, for the year ending December 1, 1871; which was laid on the table and ordered printed.

(See Doc. No. 36.)

On motion of Mr. Rose, and by unanimous consent,

*Resolved*, That the judiciary committee are hereby requested to report to this House, at their earliest convenience, such general law or laws for the organizations of the various corporations of this State, in accordance with article (8) eight, section 1 of the Constitution of the State of New York.

On motion of Mr. Fields, at 2 o'clock and 50 minutes, the House adjourned.

## THURSDAY, FEBRUARY 1, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Dean.

The journal of yesterday was read and approved.

Mr. Husted in the chair.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled as follows:

"An act to extend the time for the collection of taxes in the towns of Jamaica, Hempstead, North Hempstead and Oyster Bay, county of Queens," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

On motion of Mr. Alvord, and by unanimous consent, the special order for this morning, being the consideration of the report of the committee on rules, was suspended, and said report made a special order for to-morrow morning immediately after reading the journal.

Pursuant to the ninth joint rule, Mr. Speaker announced the order of business third reading of bills.

The bill entitled "An act in relation to the location and erection of public buildings for the use of the city of Rochester," being announced for a third reading,

Mr. Burritt moved that said bill be recommitted to the committee on the affairs of cities, retaining its place on third reading of bills.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

On motion of Mr. Alvord, and by unanimous consent, the session ordered for this evening for the consideration of the general orders was suspended.

On motion of Mr. Alvord, and by unanimous consent, the use of the Assembly chamber was granted this evening for a joint session of the committees on the affairs of cities of the Senate and Assembly.

The bill entitled "An act to authorize the trustees of the village of Clyde, Wayne county, New York, to raise by tax the sum of twelve hundred dollars, wherewith to pay the indebtedness existing against said village," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |            |         |            |
|---------------|----------|------------|---------|------------|
| Abbott        | Cook     | Holdridge  | Moseley | Smyth      |
| Aitken        | Crandall | Hollister  | Mosher  | Snyder     |
| Alvord        | Davidson | Houghton   | Moulton | Springsted |
| D. L. Babcock | Dykeman  | Hungerford | Murdock | Swain      |
| I. H. Babcock | Enos     | Husted     | Niles   | D. Tomkins |

|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| Badeau      | Fort        | Hyatt      | Paige      | M. M. Tompkins  |
| Baltz       | Fowler      | Judd       | Pell       | Tucker          |
| Beckwith    | Geib        | Kingsland  | Pierce     | A. L. Van Dusen |
| Bennett     | Green       | Lewis      | Preston    | Vedder          |
| Blair       | Greenhalgh  | Lincoln    | Ray        | Whitbeck        |
| E. E. Brown | Gregory     | Lippitt    | Rice       | White           |
| I. D. Brown | Griffin     | G. D. Lord | Roché      | Whitaker        |
| Buckley     | Haight      | G. P. Lord | Rose       | Wiley           |
| Burns       | Hart        | Mackay     | Shepardson | Woodward        |
| Burritt     | Haughton    | Marcy      | Simson     | Wyman           |
| Campbell    | A. L. Hayes | Moore      | Smith      | Yeomans         |
| Chambers    | D. B. Hill  |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The private secretary of the Governor appeared in the Assembly chamber, and presented a communication from the Governor, relative to the pardons, commutations and reprieves granted by him during the year 1871; which was laid on the table and ordered printed.

(See Doc. No. 37.)

The Senate bill entitled "An act to amend an act entitled 'An act to incorporate the Manhattan Dispensary of the city of New York,' passed May 6, 1870, and authorizing a change of the name thereof," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Aitken        | Crandall   | Haughton   | G. P. Lord | Simson          |
| Alberger      | Davidson   | J. Hayes   | Lott       | Smith           |
| D. L. Babcock | Dykeman    | Healy      | Loughran   | Smyth           |
| I. H. Babcock | Eastman    | Herrick    | Mackay     | Springsted      |
| Badeau        | Fields     | D. B. Hill | Marcy      | Swain           |
| Baltz         | Flammer    | Holdridge  | Moore      | Tobey           |
| Beckwith      | Foley      | Hollister  | Mosher     | M. M. Tompkins  |
| Bennett       | Fort       | Houghton   | Moulton    | Tucker          |
| Berri         | Fowler     | Hungerford | Murdock    | A. L. Van Dusen |
| E. E. Brown   | Geib       | Husted     | Paige      | Wells           |
| I. D. Brown   | Goss       | Hyatt      | Pell       | West            |
| Buckley       | Green      | Jacobs     | Pierce     | Whitaker        |
| Burns         | Greenhalgh | Kingsland  | Preston    | Wiley           |
| Burritt       | Gregory    | Lewis      | Prince     | Woodward        |
| Chambers      | Griffin    | Lippitt    | Ray        | Wyman           |
| Couchman      | Hart       | G. D. Lord | Rose       | Yeomans         |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, with amendments.

The bill entitled "An act to provide for supplying the village of Flushing, Queens county, with pure and wholesome water," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.



{ AYES 91 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Cook        | Healy      | Marcy      | Smith           |
| Aitken        | Couchman    | Herrick    | Moseley    | Smyth           |
| Alvord        | Crandall    | A. Hill    | Mosher     | Snyder          |
| D. L. Babcock | Davidson    | Holdridge  | Moulton    | Springsted      |
| I. H. Babcock | Dykeman     | Hollister  | Murdock    | Swain           |
| Badeau        | Enos        | Houghton   | Niles      | Tobey           |
| Baltz         | Fields      | Hungerford | Paige      | D. Tomkins      |
| Beckwith      | Flammer     | Husted     | Peck       | M. M. Tompkins  |
| Bennett       | Foley       | Hyatt      | Pell       | Tucker          |
| Berri         | Fort        | Kingsland  | Pierce     | A. L. Van Dusen |
| Blair         | Fowler      | Lewis      | Preston    | Wells           |
| E. E. Brown   | Goss        | Lincoln    | Prince     | West            |
| I. D. Brown   | Green       | Lippitt    | Ray        | White           |
| Buckley       | Greenhalgh  | G. D. Lord | Rice       | Whitaker        |
| Burns         | Griffin     | G. P. Lord | Roche      | Wiley           |
| Burritt       | Hart        | Lott       | Rose       | Woodward        |
| Carroll       | Hawkins     | Loughran   | Shepardson | Woolsey         |
| Chamberlain   | A. L. Hayes | Mackay     | Simson     | Yeomans         |
| Chambers      | J. Hayes    |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to establish the rates of toll on the Western plank-road, in the counties of Franklin and Clinton," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Chamberlain | J. Hayes   | Mackay     | Smiley          |
| Aitken        | Crandall    | Healy      | Moore      | Smith           |
| Alberger      | Davidson    | A. Hill    | Mosher     | Smyth           |
| Alvord        | Dykeman     | D. B. Hill | Moulton    | Snyder          |
| D. L. Babcock | Eastman     | Holdridge  | Niles      | Swain           |
| I. H. Babcock | Enos        | Hollister  | Paige      | Tobey           |
| Baltz         | Fields      | Houghton   | Peck       | M. M. Tompkins  |
| Beckwith      | Flammer     | Hungerford | Pell       | Tucker          |
| Bennett       | Fort        | Husted     | Pierce     | A. L. Van Dusen |
| Berri         | Fowler      | Hyatt      | Preston    | West            |
| E. E. Brown   | Geib        | Jacobs     | Prince     | Whitbeck        |
| I. D. Brown   | Goss        | Kingsland  | Ray        | White           |
| Buckley       | Green       | Lewis      | Rice       | Whitaker        |
| Buell         | Greenhalgh  | Lippitt    | Rose       | Wiley           |
| Burns         | Griffin     | G. D. Lord | Sage       | Woodward        |
| Burritt       | Hart        | G. P. Lord | Shepardson | Wyman           |
| Carroll       | A. L. Hayes | Lott       | Simson     | Yeomans         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to repeal section 2 of an act entitled 'An act to further amend the charter of the village of Albion, in the county of Orleans,' passed April 27, 1871," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |             |         |                 |
|---------------|------------|-------------|---------|-----------------|
| Aitken        | Cook       | Hart        | Lott    | Sage            |
| Alberger      | Crandall   | A. L. Hayes | Marcy   | Shepardson      |
| Alvord        | Davidson   | A. Hill     | Moore   | Simson          |
| D. L. Babcock | Dykeman    | D. B. Hill  | Moseley | Smith           |
| I. H. Babcock | Eastman    | Holdridge   | Mosher  | Tobey           |
| Badeau        | Enos       | Hollister   | Moulton | D. Tomkins      |
| Baltz         | Flammer    | Houghton    | Murdock | M. M. Tompkins  |
| Beckwith      | Foley      | Hungerford  | Paige   | Tucker          |
| Bennett       | Fort       | Husted      | Peck    | A. L. Van Dusen |
| Blair         | Fowler     | Hyatt       | Pell    | West            |
| I. D. Brown   | Geib       | Jacobs      | Pierce  | Whitbeck        |
| Buckley       | Goss       | Kingsland   | Preston | White           |
| Burns         | Green      | Lincoln     | Prince  | Whitaker        |
| Burritt       | Greenhalgh | Lippitt     | Ray     | Woodward        |
| Campbell      | Gregory    | G. D. Lord  | Rice    | Wyman           |
| Carroll       | Griffin    | G. P. Lord  | Rose    | Yeomans         |
| Chambers      | Haight     |             |         |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to legalize and confirm the acts and proceedings of Henry C. Duryea, as special surrogate of the county of Orange," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 76 }  
{ NOES 3 }

Those who voted in the affirmative, were

|               |            |             |            |                 |
|---------------|------------|-------------|------------|-----------------|
| Alvord        | Dykeman    | A. L. Hayes | G. P. Lord | Simson          |
| D. L. Babcock | Eastman    | J. Hayes    | Lott       | Smith           |
| I. H. Babcock | Enos       | Healy       | Moore      | Smyth           |
| Baltz         | Flammer    | A. Hill     | Mosher     | Swain           |
| Beckwith      | Foley      | D. B. Hill  | Moulton    | Tobey           |
| Blair         | Fort       | Hollister   | Murdock    | D. Tomkins      |
| I. D. Brown   | Fowler     | Houghton    | Paige      | M. M. Tompkins  |
| Buckley       | Geib       | Husted      | Peck       | A. L. Van Dusen |
| Burritt       | Green      | Hyatt       | Pierce     | Wells           |
| Carroll       | Greenhalgh | Jacobs      | Preston    | West            |
| Chambers      | Gregory    | Kingsland   | Prince     | Whitbeck        |
| Cook          | Griffin    | Lewis       | Ray        | Whitaker        |
| Couchman      | Haight     | Lincoln     | Rice       | Woodward        |
| Crandall      | Hart       | Lippitt     | Roche      | Wyman           |
| Davidson      | Hawkins    | G. D. Lord  | Shepardson | Yeomans         |
| Dunphy        |            |             |            |                 |

Those who voted in the negative, were

|        |        |      |
|--------|--------|------|
| Aitken | Fields | Rose |
|--------|--------|------|

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act providing for appeals from the decisions of county superintendents of the poor," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 77 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Aitken        | Fowler      | Hungerford | Niles      | Smyth           |
| D. L. Babcock | Geib        | Husted     | Osgood     | Swain           |
| Baltz         | Goring      | Hyatt      | Paige      | Tobey           |
| E. E. Brown   | Green       | Judd       | Peck       | M. M. Tompkins  |
| I. D. Brown   | Greenhalgh  | Kingsland  | Pierce     | Tucker          |
| Buckley       | Gregory     | Lewis      | Preston    | A. L. Van Dusen |
| Campbell      | Griffin     | Lincoln    | Prince     | Wells           |
| Carroll       | Hart        | G. D. Lord | Ray        | West            |
| Chambers      | Haughton    | G. P. Lord | Rice       | Whitbeck        |
| Crandall      | Hawkins     | Lott       | Rose       | White           |
| Davidson      | A. L. Hayes | Marcy      | Sage       | Whitaker        |
| Dykeman       | Healy       | Moore      | Shepardson | Wiley           |
| Eastman       | A. Hill     | Mosher     | Simson     | Woodward        |
| Fields        | Holdridge   | Moulton    | Smiley     | Wyman           |
| Flammer       | Hollister   | Murdock    | Smith      | Yeomans         |
| Fort          | Houghton    |            |            |                 |

For the negative

I. H. Babcock

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to authorize the election of an additional justice of the peace in the town of Manlius, in the county of Onondaga," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 4 }

Those who voted in the affirmative, were

|               |            |             |            |                 |
|---------------|------------|-------------|------------|-----------------|
| Abbott        | Chambers   | Gregory     | G. D. Lord | Simson          |
| Aitken        | Cook       | Hart        | G. P. Lord | Smiley          |
| Alberger      | Couchman   | Hawkins     | Lott       | Smith           |
| Alvord        | Crandall   | A. L. Hayes | Loughran   | Smyth           |
| D. L. Babcock | Davidson   | Healy       | Mackay     | Swain           |
| I. H. Babcock | Dunphy     | D. B. Hill  | Moore      | Tobey           |
| Badeau        | Dykeman    | Holdridge   | Morton     | D. Tomkins      |
| Baltz         | Eastman    | Hollister   | Mosher     | A. L. Van Dusen |
| Beckwith      | Enos       | Houghton    | Murdock    | Wells           |
| Bennett       | Fields     | Hungerford  | Paige      | West            |
| Berri         | Foley      | Husted      | Peck       | Whitbeck        |
| Blair         | Fort       | Hyatt       | Pierce     | White           |
| E. E. Brown   | Fowler     | Judd        | Preston    | Whitaker        |
| I. D. Brown   | Geib       | Kingsland   | Ray        | Woodward        |
| Burns         | Goring     | Lewis       | Rose       | Wyman           |
| Burritt       | Green      | Lincoln     | Sage       | Yeomans         |
| Campbell      | Greenhalgh | Lippitt     | Shepardson |                 |



Those who voted in the negative, were

Buckley      Chamberlain      Griffin      J. Hayes

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to amend the several acts incorporating the village of Weedsport, in the county of Cayuga,' passed April 7, 1857," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Couchman    | J. Hayes   | Moore      | Smith           |
| Aitken        | Crandall    | Healy      | Mosher     | Smyth           |
| Alvord        | Davidson    | Herrick    | Moulton    | Springsted      |
| D. L. Babcock | Dykeman     | D. B. Hill | Murdock    | Swain           |
| I. H. Babcock | Eastman     | Holdridge  | Niles      | Tobey           |
| Badeau        | Enos        | Houghton   | Oakley     | D. Tomkins      |
| Baltz         | Foley       | Hungerford | Peck       | M. M. Tompkins  |
| Beckwith      | Fowler      | Husted     | Pierce     | Tucker          |
| Bennett       | Geib        | Hyatt      | Preston    | A. L. Van Dusen |
| Berri         | Goring      | Judd       | Prince     | West            |
| E. E. Brown   | Green       | Kingsland  | Rice       | Whitbeck        |
| I. D. Brown   | Greenhalgh  | Lewis      | Roche      | White           |
| Buckley       | Gregory     | Lippitt    | Sage       | Whitaker        |
| Campbell      | Hart        | G. P. Lord | Shepardson | Woodward        |
| Chamberlain   | Haughton    | Loughran   | Simson     | Wyman           |
| Chambers      | Hawkins     | Mackay     | Smiley     | Yeomans         |
| Cook          | A. L. Hayes |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to confirm the title of Horace T. Cook to the office of justice of the peace, and to legalize his official acts as such justice of the peace," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 6 }

Those who voted in the affirmative, were

|               |          |            |         |                 |
|---------------|----------|------------|---------|-----------------|
| Abbott        | Couchman | Herrick    | Morton  | Smiley          |
| Alberger      | Crandall | A. Hill    | Moseley | Smyth           |
| Alvord        | Davidson | Holdridge  | Mosher  | Tobey           |
| I. H. Babcock | Dykeman  | Houghton   | Moulton | D. Tomkins      |
| Baltz         | Eastman  | Hungerford | Murdock | M. M. Tompkins  |
| Beckwith      | Enos     | Husted     | Niles   | Tucker          |
| Bennett       | Fort     | Hyatt      | Peck    | A. L. Van Dusen |
| Berri         | Fowler   | Jacobs     | Pierce  | Wells           |
| E. E. Brown   | Geib     | Lewis      | Preston | West            |
| I. D. Brown   | Goring   | Lincoln    | Prince  | Whitbeck        |
| Buckley       | Green    | Lippitt    | Rice    | White           |

|             |             |            |            |          |
|-------------|-------------|------------|------------|----------|
| Burns       | Greenhalgh  | G. D. Lord | Roche      | Wiley    |
| Burritt     | Gregory     | G. P. Lord | Rose       | Woodward |
| Campbell    | Griffin     | Loughran   | Sage       | Wyman    |
| Chamberlain | Haughton    | Mackay     | Shepardson | Yeomans  |
| Chambers    | A. L. Hayes | Moore      | Simson     |          |

Those who voted in the negative, were

|        |          |       |      |     |
|--------|----------|-------|------|-----|
| Aitken | J. Hayes | Healy | Pell | Ray |
| Foley  |          |       |      |     |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act for the protection of tax-payers against the frauds, embezzlement and wrongful acts of public officers and agents in the several cities and counties of this State," being announced for a third reading,

On motion of Mr. Fields, and by unanimous consent, said bill was ordered laid aside.

The bill entitled "An act to amend an act entitled 'An act to incorporate the village of Port Richmond,' passed April 24, 1866," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Abbott        | Davidson    | Herrick    | Mackay  | Shepardson      |
| Aitken        | Dykeman     | A. Hill    | Marcy   | Simson          |
| Alberger      | Eastman     | D. B. Hill | Moore   | Smyth           |
| Alvord        | Flammer     | Holdridge  | Moseley | Swain           |
| D. L. Babcock | Fowler      | Houghton   | Moulton | Tobey           |
| I. H. Babcock | Goring      | Husted     | Murdock | D. Tomkins      |
| Badeau        | Goss        | Hyatt      | Niles   | Tucker          |
| Beckwith      | Green       | Judd       | Paige   | A. L. Van Dusen |
| E. E. Brown   | Greenhalgh  | Kingsland  | Peck    | Wells           |
| I. D. Brown   | Gregory     | Lewis      | Pell    | West            |
| Buckley       | Griffin     | Lincoln    | Pierce  | Whitbeck        |
| Burns         | Hart        | Lippitt    | Preston | White           |
| Campbell      | Haughton    | G. D. Lord | Prince  | Whitaker        |
| Chamberlain   | Hawkins     | G. P. Lord | Ray     | Woodward        |
| Chambers      | A. L. Hayes | Lott       | Rice    | Wyman           |
| Couchman      | Healy       | Loughran   | Sage    | Yeomans         |
| Crandall      |             |            |         |                 |

For the negative.

Roche

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act requiring the highway tax of the New York Central Railroad Company through the town of Mentz, to be applied to the repairs of certain highways in the said town,' passed April 2, 1862," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a

majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Aitken        | Davidson   | Hollister  | Moore   | Smith           |
| Alberger      | Dykeman    | Haughton   | Moseley | Smyth           |
| Alvord        | Eastman    | Hungerford | Mosher  | Swain           |
| D. L. Babcock | Fields     | Husted     | Murdock | Tobey           |
| I. H. Babcock | Flammer    | Hyatt      | Niles   | D. Tomkins      |
| Beckwith      | Foley      | Jacobs     | Oakley  | M. M. Tompkins  |
| Bennett       | Fowler     | Judd       | Paige   | Tucker          |
| Blair         | Geib       | Kingsland  | Pell    | A. L. Van Dusen |
| E. E. Brown   | Goring     | Lewis      | Pierce  | Vedder          |
| I. D. Brown   | Goss       | Lincoln    | Preston | Wells           |
| Buckley       | Green      | Lippitt    | Prince  | White           |
| Burns         | Greenhalgh | G. D. Lord | Ray     | Whitaker        |
| Campbell      | Hart       | G. P. Lord | Rice    | Wiley           |
| Carroll       | Haughton   | Lott       | Roche   | Woodward        |
| Chambers      | A. Hill    | Loughran   | Rose    | Wyman           |
| Couchman      | Holdridge  | Mackay     | Simson  | Yeomans         |
| Crandall      |            |            |         |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to change the name of the First Congregational Church and Society, of Poughkeepsie, New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 77 }  
{ NOES 17 }

Those who voted in the affirmative, were

|               |            |             |            |            |
|---------------|------------|-------------|------------|------------|
| Abbott        | Chambers   | Hawkins     | Lippitt    | Rice       |
| Alberger      | Cook       | A. L. Hayes | G. D. Lord | Simson     |
| D. L. Babcock | Crandall   | Herrick     | G. P. Lord | Smith      |
| I. H. Babcock | Davidson   | A. Hill     | Lott       | Smyth      |
| Badeau        | Dunphy     | D. B. Hill  | Loughran   | Swain      |
| Baltz         | Dykeman    | Holdridge   | Mackay     | Tobey      |
| Beckwith      | Eastman    | Hollister   | Marcy      | D. Tomkins |
| Bennett       | Enos       | Houghton    | Moore      | Tucker     |
| Berri         | Flammer    | Hungerford  | Morton     | Vedder     |
| Blair         | Fowler     | Husted      | Mosher     | Whitbeck   |
| E. E. Brown   | Geib       | Hyatt       | Moulton    | Whitaker   |
| Burns         | Goring     | Jacobs      | Murdock    | Wiley      |
| Burrutt       | Goss       | Judd        | Niles      | Woodward   |
| Campbell      | Green      | Kingsland   | Peck       | Wyman      |
| Carroll       | Greenhalgh | Lincoln     | Pierce     | Yeomans    |
| Chamberlain   | Hart       |             |            |            |

Those who voted in the negative, were

|         |          |         |       |                |
|---------|----------|---------|-------|----------------|
| Aitken  | Griffin  | Moseley | Ray   | Sage           |
| Buckley | Haughton | Pell    | Roche | M. M. Tompkins |
| Fields  | J. Hayes | Prince  | Rose  | White          |
| Foley   | Healy    |         |       |                |



*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the Bruynswick Rural Cemetery Association, in the county of Ulster, to acquire title to property for burial purposes," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 75 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Crandall    | Healy      | G. P. Lord | Ray             |
| Aitken        | Davidson    | Herrick    | Lott       | Rice            |
| Alvord        | Dykeman     | A. Hill    | Loughran   | Rose            |
| I. H. Babcock | Eastman     | D. B. Hill | Mackay     | Simson          |
| Badeau        | Enos        | Holdridge  | Marcy      | Smith           |
| Baltz         | Foley       | Hollister  | Moore      | Tobey           |
| Beckwith      | Fowler      | Houghton   | Moulton    | D. Tomkins      |
| Bennett       | Geib        | Husted     | Murdock    | M. M. Tompkins  |
| E. E. Brown   | Goring      | Hyatt      | Niles      | Tucker          |
| I. D. Brown   | Goss        | Jacobs     | Oakley     | A. L. Van Dusen |
| Buckley       | Greenhalgh  | Kingsland  | Paige      | Wells           |
| Burns         | Gregory     | Lewis      | Peck       | Whitbeck        |
| Burrill       | Griffin     | Lincoln    | Pell       | Whitaker        |
| Campbell      | Hawkins     | Lippitt    | Preston    | Wyman           |
| Chamberlain   | A. L. Hayes | G. D. Lord | Prince     | Yeomans         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to confirm the conveyance of real and personal estate by the "Beth El" congregation of Jews, of the city of New York, to the congregation Shaaray Tefila, of the city of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 70 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |          |                 |
|---------------|-------------|------------|----------|-----------------|
| Abbott        | Chamberlain | Hart       | Lott     | Smith           |
| Aitken        | Crandall    | Haughton   | Loughran | Smyth           |
| Alberger      | Davidson    | J. Hayes   | Mackay   | Tobey           |
| Alvord        | Dykeman     | Herrick    | Moore    | D. Tomkins      |
| D. L. Babcock | Eastman     | A. Hill    | Morton   | M. M. Tompkins  |
| I. H. Babcock | Flammer     | D. B. Hill | Mosher   | Tucker          |
| Badeau        | Foley       | Holdridge  | Murdock  | A. L. Van Dusen |
| Beckwith      | Fort        | Hollister  | Pell     | Vedder          |
| Bennett       | Fowler      | Houghton   | Preston  | Wells           |
| Blair         | Geib        | Hungerford | Prince   | West            |
| I. D. Brown   | Goring      | Husted     | Ray      | Whitbeck        |
| Burns         | Goss        | Hyatt      | Roche    | White           |
| Campbell      | Greenhalgh  | Lewis      | Rose     | Whitaker        |
| Carroll       | Griffin     | G. P. Lord | Simson   | Yeomans         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to enable the Shepherd's Fold of the Protestant Episcopal Church in the State of New York to take by grant, and hold real estate to the amount of one hundred thousand dollars in value," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 97 }  
{ NOES 2 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Abbott        | Davidson    | A. Hill    | Marcy   | Shepardson      |
| Aitken        | Dunphy      | D. B. Hill | Moore   | Simson          |
| Alberger      | Dykeman     | Holdridge  | Morton  | Smiley          |
| Alvord        | Eastman     | Hollister  | Moseley | Smith           |
| D. L. Babcock | Enos        | Houghton   | Mosher  | Swain           |
| Badeau        | Fields      | Hungerford | Moulton | Tobey           |
| Baltz         | Flammer     | Husted     | Murdock | D. Tomkins      |
| Beckwith      | Foley       | Hyatt      | Niles   | Tucker          |
| Bennett       | Fowler      | Jacobs     | Paige   | A. L. Van Dusen |
| Berri         | Geib        | Judd       | Peck    | Vedder          |
| Blair         | Goring      | Kingsland  | Pell    | Wells           |
| E. E. Brown   | Green       | Lewis      | Pierce  | West            |
| Buckley       | Greenhalgh  | Lincoln    | Preston | Whitbeck        |
| Burritt       | Gregory     | Lippitt    | Prince  | White           |
| Campbell      | Hart        | G. D. Lord | Ray     | Whitaker        |
| Carroll       | Haughton    | G. P. Lord | Rice    | Wiley           |
| Chamberlain   | Hawkins     | Lott       | Roche   | Woodward        |
| Chambers      | A. L. Hayes | Loughran   | Rose    | Wyman           |
| Cook          | J. Hayes    | Mackay     | Sage    | Yeomans         |
| Crandall      | Herrick     |            |         |                 |

Those who voted in the negative, were

I. D. Brown      Griffin

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

This being the day assigned by the rules for the consideration of general orders, Mr. Speaker announced that order of business.

The House then resolved itself into a committee of the whole on the bills entitled as follows :

Senate, "An act to incorporate the Albany Produce Commission Company."

"An act to extend, widen, alter and improve Banker street, to close a portion of the same, and to improve Union avenue, in the city of Brooklyn."

"An act to amend the act entitled 'An act for the incorporation of companies formed to navigate the lakes and rivers,' passed April 15, 1854."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Tobey, from said committee, reported progress on the first mentioned bill, and asked and obtained leave to sit again.

Mr. Tobey, from said committee, also reported in favor of the passage of said second mentioned bill, with an amendment; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Tobey, from said committee, also reported in favor of the passage of said third mentioned bill, with amendments, and the title amended

so as to read, "An act to authorize the Harlem and New York Navigation Company to issue bonds and to mortgage its real estate to secure the payment of the same," which report was agreed to, and said bill ordered engrossed for a third reading.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to amend an act passed April 19, 1871, entitled 'An act to amend an act entitled An act to authorize the formation of railroad corporations and to regulate the same,' passed April 2, 1850."

Senate, "An act to change the name of the Mutual Protection Life Assurance Society, and provide for an increase of its capital."

"An act to amend an act entitled 'An act to amend an act passed March 23, 1850, entitled An act for the protection of purchasers of real estate upon sales by order of surrogates,' passed April 20, 1869."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. A. L. Hayes, from said committee, reported in favor of the passage of said first and third mentioned bills; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. A. L. Hayes, from said committee, also reported in favor of the passage of said second mentioned bill; which report was agreed to, and said bill ordered to a third reading.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to confirm the exchange of land for the use of the public cemetery of the town of Hempstead, county of Queens, known as Greenfield cemetery, and elect officers for the management of the same."

"An act in relation to the filing of certain claims of Ann Egbert, Mrs. C. T. Hill, and Ann Egbert, John G. Wormley, Charles H. Hammond, D. L. McNulty, Martin Hammond, George W. Lovell and Lorenzo D. Hughson."

"An act relative to lands held in trust by Harry G. Moore for the benefit of Nehemiah Denton and his descendants."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Lincoln, from said committee, reported in favor of the passage of said bills, the first mentioned with an amendment; which report was agreed to, and said bills ordered engrossed for a third reading.

On motion of Mr. Hawkins, and by unanimous consent, the said last mentioned bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 87 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |          |             |            |            |
|---------------|----------|-------------|------------|------------|
| Aitken        | Couchman | Haughton    | G. P. Lord | Rose       |
| Alberger      | Crandall | Hawkins     | Lott       | Shepardson |
| Alvord        | Davidson | A. L. Hayes | Mackay     | Simson     |
| I. H. Babcock | Dunphy   | A. Hill     | Marcy      | Smiley     |
| Badeau        | Dykeman  | D. B. Hill  | Moore      | Smith      |
| Baltz         | Eastman  | Holdridge   | Morton     | Smyth      |
| Beckwith      | Enos     | Hollister   | Mosher     | Sniper     |
| Bennett       | Fields   | Houghton    | Murdock    | Swain      |
| Berri         | Foley    | Husted      | Niles      | Tobey      |



|             |            |            |         |                 |
|-------------|------------|------------|---------|-----------------|
| Blair       | Fort       | Hyatt      | Paige   | M. M. Tompkins  |
| I. D. Brown | Fowler     | Jacobs     | Peck    | A. L. Van Dusen |
| Buckley     | Geib       | Judd       | Pell    | Wells           |
| Burns       | Goring     | Kingsland  | Pierce  | West            |
| Burritt     | Goss       | Lewis      | Preston | White           |
| Campbell    | Green      | Lincoln    | Prince  | Whitaker        |
| Carroll     | Greenhalgh | Lippitt    | Ray     | Woodward        |
| Chamberlain | Haight     | G. D. Lord | Rice    | Yeomans         |
| Chambers    | Hart       |            |         |                 |

### For the negative

Abbott

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The House again resolved itself into a committee of the whole on the bills entitled as follows :

“An act to extend to the towns of Skaneateles and Spafford, of the county of Onondaga, the provisions of the act entitled ‘An act to amend an act entitled An act to authorize the formation of railroad corporations, and to regulate the same, passed April 2, 1850, so as to permit municipal corporations to aid in the construction of railroads, passed May 15, 1869,’ and of acts amendatory thereof.”

“An act to legalize the acts of Stafford Wade, Leverett Spring and Aaron A. Spencer, commissioners of the town of Arcade, in purchasing certain bonds and coupons of said town with moneys arising from the sale of certain railroad stock belonging to said town, and to authorize said commissioners to cancel the same.”

“An act authorizing the canal commissioner of the eastern division to raise a certain road-bed in the town of Kingsbury, county of Washington.”

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Buckley, from said committee, reported in favor of the passage of said first and second mentioned bills ; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Buckley, from said committee, also reported in favor of the passage of said last mentioned bill.

The question being on agreeing to said report,

Mr. Alberger moved to recommit said bill to the committee on canals, retaining its place on the general orders.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said report, and it was determined in the affirmative.

*Ordered*, That said bill be engrossed for a third reading.

Mr. Bennett moved to lay the present order of business upon the table, for the purpose of taking up the regular order of business.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

{ AYES 60 }  
{ NOES 18 }

Those who voted in the affirmative, were

|          |          |             |            |        |
|----------|----------|-------------|------------|--------|
| Aitken   | Chambers | Hart        | G. P. Lord | Simson |
| Alberger | Couchman | A. L. Hayes | Lott       | Smyth  |
| Badeau   | Crandall | A. Hill     | Morton     | Sniper |

|             |         |            |            |                 |
|-------------|---------|------------|------------|-----------------|
| Beckwith    | Dunphy  | D. B. Hill | Moseley    | Tobey           |
| Bennett     | Enos    | Holdridge  | Mosher     | D. Tomkins      |
| Blair       | Fields  | Hollister  | Niles      | Tucker          |
| I. D. Brown | Flammer | Houghton   | Peck       | A. L. Van Dusen |
| Buckley     | Fowler  | Hyatt      | Pell       | West            |
| Burritt     | Geib    | Jacobs     | Preston    | Whitbeck        |
| Campbell    | Goring  | Judd       | Prince     | White           |
| Carroll     | Goss    | Lincoln    | Ray        | Wiley           |
| Chamberlain | Griffin | G. D. Lord | Shepardson | Yeomans         |

Those who voted in the negative, were

|               |            |         |         |          |
|---------------|------------|---------|---------|----------|
| Alvord        | Greenhalgh | Mackay  | Murdock | Rose     |
| I. H. Babcock | Gregory    | Marcy   | Paige   | Wells    |
| Davidson      | Hawkins    | Moore   | Roche   | Whitaker |
| Fort          | Loughran   | Moulton |         |          |

Messrs. I. D. Brown, Wells, Yeomans, Fort and Swain severally presented remonstrances against the passage of Senate bill No. 20, entitled "An act to amend an act entitled 'An act to facilitate the construction of the Lake Ontario Shore railroad, and to amend the several acts in relation thereto,' passed March 17, 1871," which were read and referred to the committee on railroads.

Messrs. Morton, Flammer, Paige, Pell, Peck, Berri, Geib, Mackay, White, Bennett, Dunphy, Aitken, Jacobs, Prince, Marcy and Loughran severally presented petitions for reduced rates of ferriage between Brooklyn, eastern district, and the city of New York; which were read and referred to the committee on commerce and navigation.

Mr. Peck presented a petition in favor of Beach Pneumatic Underground railway; which was read and referred to the committee on railroads.

Mr. Loughran presented a petition of James G. Lindsley and 385 others, in favor of a city charter for the village of Rondout; which was read and referred to the committee on the affairs of cities.

Mr. Couchman presented a remonstrance of the tax-payers of the town of Schoharie against the rechartering of the Central Bridge Company; which was read and referred to the committee on roads and bridges.

Mr. Burns presented a petition of citizens of Onondaga county, in favor of the formation of a Milk Association; which was read and referred to the committee on agriculture.

Messrs. Hart and Houghton presented petitions asking for an increase of the literature fund; which was read and referred to the committee on ways and means.

A petition was presented for the repeal of Erie classification act; which was read and referred to the committee on railroads.

Mr. E. E. Brown presented a petition of citizens of Cayuga county, for a law to elect railroad commissioners as other town officers are elected; which was read and referred to the committee on railroads.

Mr. Alberger presented a remonstrance against repealing the charter of the Buffalo and Versailles Plank road Company; which was read and referred to the committee on roads and bridges.

Mr. Carroll presented a petition of the common council of the city of Rome, for amendment of the city charter; which was read and referred to the committee on the affairs of cities.

Mr. Tompkins presented a petition of owners of sloops and schooners to repeal an act fixing rates of wharfage; which was read and referred to the committee on commerce and navigation.

Messrs. G. P. Lord, Davidson, Buckley, Murdock, Goss, Chambers, Simson, Wiley and Abbott presented remonstrances from various parts of the State against legislative interference with the management of the Erie Railway Company; which were read and referred to the committee on railroads.

Mr. Loughran presented two remonstrances from Mr. Wilbur against being included in the contemplated cities of Kingston and Rondout which were read and referred to the committee on the affairs of cities.

Mr. Preston presented a petition of Wm. Butcher, praying for the release of the interests of the State in certain lands owned by Hannah Jane Butcher, deceased; which was read and referred to the committee on the petition of aliens.

Mr. Geib, from the committee on commerce and navigation, to which was referred the bill entitled "An act relating to the New York and Long Island Ferry Company," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Judd, from the committee on commerce and navigation, to which was referred the bill entitled "An act to amend an act entitled 'An act to establish regulations for the port of New York,' passed April 16, 1857," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. G. P. Lord, from the committee on public education, to which was referred the bill entitled "An act to divide the county of Sullivan into two school commissioner districts," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. G. P. Lord, from the committee on public education, to which was referred the Senate bill entitled "An act to amend an act passed April 22, 1862, entitled 'An act to incorporate the Union Home and School for the education and maintenance of children of volunteers,' and the acts amendatory thereof," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on affairs of villages, to which was referred the Senate bill entitled "An act to amend chapter 156 of the Laws of 1868, entitled 'An act to incorporate the village of Greenport, Suffolk county,'" reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Mr. West, from the committee on trade and manufactures, to which was referred the bill entitled "An act in relation to the manufacture, quality, and inspection of illuminating gas," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. West, from the committee on trade and manufactures, to which was referred the bill entitled "An act to amend an act entitled 'An act to renew and amend an act entitled 'An act relative to the General Society of Mechanics and Tradesmen of the city of New York,' passed April 1, 1856,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. West, from the committee on trade and manufactures, to which was referred the bill entitled "An act to repeal chapter 944 of the Laws of 1871, relating to the manufacture and sale of gas in the city of New



York," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. West, from the committee on trade and manufactures, to which was referred the bill entitled "An act to extend the operation and effect of the act passed February 17, 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,'" and entitled as the title of said act was amended by an act passed April 28, 1866, "An act to authorize the formation of corporations for manufacturing, mining, mechanical, chemical, agricultural, horticultural, medical or curative, mercantile or commercial purposes," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Bushwick and Newtown Bridge and Turnpike-road Company,' passed April 26, 1836," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to renew an act passed May 9, 1868, entitled 'An act to amend section 3 of chapter 817 of the Laws of 1866, entitled An act to lay out and construct a road from the river road in township number 14, in the town of Johnsburg, to the Carthage road near the head of Long lake, in the county of Hamilton,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Yeomans, from the committee on agriculture, to which was referred the bill entitled "An act to incorporate the Onondaga County Milk Association," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Yeomans, from the committee on agriculture, to which was referred the petition of the Monroe County Agricultural Society, praying for the enactment of a law relating to the qualifications of voters in agricultural societies, reported by bill entitled "An act to amend an act entitled 'An act to facilitate the forming of agricultural and horticultural societies,' passed April 13, 1855," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the Senate bill entitled "An act relative to lands in the city of Brooklyn, county of Kings, devised in and by the last will and testament of Leffert Lefferts, deceased, to Elizabeth Dorothea Breevoort, for and during her natural life," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Preston introduced a bill entitled "An act releasing the interests of the State in certain lands of which Hannah Jane Butcher, died possessed, to William Butcher, her surviving husband," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on petitions of aliens.

Mr. Chambers introduced a bill entitled "An act to provide for building and maintaining a union railroad passenger depot at the city of Buffalo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Alberger introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the Buffalo East Side Street Railway Company,' passed May 10, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Tobey introduced a bill entitled "An act to constitute Chub river a public highway, and to improve the same, and waters connected therewith, and appropriating money therefor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Also, a bill entitled "An act relating to certain non-resident highway taxes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Also, a bill entitled "An act to amend an act entitled 'An act to amend article 2d of title 5th, chapter 6th, part 3d of the Revised Statutes, entitled 'Of executions against property,' passed May 2, 1835," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act authorizing the formation of a separate road in the town of Jay, county of Essex," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Berri, introduced a bill entitled "An act to regulate elections in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. White introduced a bill entitled "An act to reorganize the board of water and sewerage commissioners of the city of Brooklyn, and to limit their powers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Roche introduced a bill entitled "An act for the better education of the children employed in the factories, and in other industrial pursuits of the commonwealth," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

Mr. Morton introduced a bill entitled "An act to incorporate the Trenor Coterie, of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. G. D. Lord introduced a bill entitled "An act to amend an act entitled 'An act to authorize the Canal Commissioners to construct a swing-bridge over the Erie canal, on Buffalo street, in the city of Rochester, and to use the materials of the old bridge in constructing a bridge over said canal, to connect Munger and Averill streets in said city,' passed April 7, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Also, a bill entitled "An act to increase the appropriation for constructing a swing-bridge over the Erie canal, on Buffalo street, in the city of Rochester, and for the construction of a bridge over the Erie canal, to connect Averill and Munger streets in said city," which was



read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Goss introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the village of Pittsford, county of Monroe,' passed April 11, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Whitbeck introduced a bill entitled "An act to facilitate the opening of certain streets in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to provide for the disposal and safe keeping of certain property, archives and records of the late metropolitan board of health and excise," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Foley introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the New York Life Insurance and Trust Company,' passed March 9, 1830, and the act amendatory thereof, passed May 2, 1834," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Mr. Fort introduced a bill entitled "An act to incorporate the Oswego Railroad Bridge Company, for the purpose of constructing and maintaining a railroad bridge across the Oswego river in the city of Oswego," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act to amend chapter 576 of the Laws of 1870, entitled 'An act to provide for the introduction of the European system of steam towage upon the canals of this State,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Oakley introduced a bill entitled "An act to regulate and establish fees for pilotage to and from the harbor of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. D. Tompkins introduced a bill entitled "An act to amend an act in relation to the rates of wharfage and to regulate piers, wharves, bulkheads and slips in the cities of New York and Brooklyn, passed May 6, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Couchman introduced a bill entitled "An act to amend the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Buckley introduced a bill entitled "An act in relation to the railroads of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Loughran introduced a bill entitled "An act regulating the winter freight tariff on the several railroads of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Woodward introduced a bill entitled "An act to incorporate the



Canadian Republic Association of the village of Glens Falls," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Yeomans introduced a bill entitled "An act limiting and providing for the renewal of the record notice of the existence of mortgages of real property," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Niles introduced a bill entitled "An act to authorize the drainage and improvement of a part of the valley of the Saw Mill river in the town of Yonkers, and the laying out of streets and roads in the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Hart introduced a bill entitled "An act amending the Revised Statutes and other acts of the Legislature relating to the office of the Attorney-General," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Smyth, from the committee on engrossed bills, reported as correctly re-engrossed the bill entitled as follows:

"An act prescribing the officers and employes that may be elected, appointed, or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof."

Mr. Pell offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That when the House adjourn on Friday, it adjourn to meet on Monday evening next at 7 o'clock.

Said resolution giving rise to debate,

*Ordered*, That the same be laid on the table.

Mr. Niles offered for the consideration of the House a resolution, in the words following, to wit:

*Whereas*, Great crimes against justice are alleged to have been committed in the city of New York by persons in high official stations;

*And whereas*, The Bar Association of that city claim to have knowledge of such crimes;

*And whereas*, Evils must be known before they can be removed;

*And whereas*, This Assembly is not an inquisition, but a legislative body, bound to act upon some general principles of right and wrong, or upon the knowledge of facts proved;

*And whereas*, It is alleged that in former years, charges against officials, have resulted in compromise between the accusers and the accused, while the Legislature is left, as it has been now for four weeks, to the censure of the people, for not having removed evils of which it has neither specification nor proof; therefore,

*Resolved*, That the Bar Association of the city of New York, and all others having knowledge of abuses, that this Legislature ought to abate, are hereby requested to present the same to this Assembly, with proof, or to the end that proof may be taken.

Said resolution giving rise to debate,

*Ordered*, That the same be laid on the table.

The Senate returned the bill recalled from the Governor for amendment, entitled "An act prescribing the officers and employes that may be elected, appointed or employed by the Senate and Assembly, fixing the

salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof," with a message in the words following, viz.: "vote upon the final passage of within entitled bill reconsidered and amendment concurred in."

*Ordered*, That the Clerk deliver said bill to the Governor.

On motion of Mr. Moseley, at 2 o'clock and 30 minutes, the House adjourned.

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## FRIDAY, FEBRUARY 2, 1872.

The House met pursuant to adjournment.

Prayer by Rev. J. H. Brown.

The journal of yesterday was read and approved.

Mr. Smyth, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to extend, widen, alter and improve Banker street, to close a portion of the same, and to improve Union avenue, in the city of Brooklyn."

"An act to confirm the exchange of land for the use of the public cemetery of the town of Hempstead, county of Queens, known as Greenfield cemetery, and elect officers for the management of the same."

"An act in relation to the filing of certain claims of Ann Egbert, Mrs. C. T. Hill, and Ann Egbert, John G. Wormley, Charles H. Hammond, D. L. McNulty, Martin Hammond, George W. Lovell and Lorenzo D. Hughson."

"An act authorizing the Canal Commissioner of the eastern division to raise a certain road-bed in the town of Kingsbury, county of Washington."

"An act to extend to the towns of Skaneateles and Spafford, of the county of Onondaga, the provisions of the act entitled 'An act to amend an act entitled An act to authorize the formation of railroad corporations, and to regulate the same, passed April 2, 1850, so as to permit municipal corporations to aid in the construction of railroads, passed May 15, 1869,' and of acts amendatory thereof."

"An act to authorize the Harlem and New York Navigation Company to issue bonds and to mortgage its real estate to secure the payment of the same."

"An act to legalize the acts of Stafford Wade, Leverette Spring and Aaron A. Spencer, commissioners of the town of Arcade, in purchasing certain bonds and coupons of said town with moneys arising from the sale of certain railroad stock belonging to said town, and to authorize said commissioners to cancel the same."

"An act to amend an act passed April 19, 1871, entitled 'An act to amend an act entitled An act to authorize the formation of railroad corporations and to regulate the same,' passed April 2, 1850."

"An act to amend an act entitled 'An act to amend an act passed March 23, 1850, entitled An act for the protection of purchasers of real estate upon sales by order of surrogates,' passed April 20, 1869."

Also, as correctly engrossed the bill which passed yesterday, by unanimous consent, as follows :

"An act relative to lands held in trust, by Harry G. Moore, for the benefit of Nehemiah Denton and his descendants."

Mr. Alvord offered a privileged resolution, in the words following :

*Resolved*, That the Speaker make the appointments of employes now authorized by law, except the clerks and messengers of committees.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker announced the following appointments :

*Stenographer*—Hudson C. Tanner.

*Assistant Sergeant-at-Arms*—Fredrick C. Fiske, of Madison.

*Postmaster*—Robert S. Kelsey, of Oswego.

*Assistant Postmaster*—Frank Edgerton, of Ontario.

*Superintendent of Documents*—Benjamin F. Betts, of Niagara.

*Keeper and Janitor*—Charles Butterfield, of Oneida.

*Assistant Keeper and Janitor*—John K. Fowler, of Livingston.

*Speaker's Clerk*—William N. Haskell.

*General Messengers*—Charles H. Walters, John C. Harris, Stewart F. Godden, Charles Waters, Charles D. Lane.

*Assistant Doorkeepers until the 10th day of March, 1872*—Edward Johnson, of Delaware ; William J. Chesney, Kings ; Gamaliel Benjamin, of Seneca ; Henry Hammond, of Montgomery ; Garret L. Cavert, of Saratoga ; Geo. C. Latta, of Monroe ; John Lewis, of Cattaraugus ; John H. Ferris, of Washington.

*Assistant Doorkeepers from March 10th, 1872, to the end of the session*—W. W. Yerks, of Westchester ; Zebulon Converse, of St. Lawrence ; James C. Barnes, of Essex ; Henry D. Wyncoop, of Ulster ; John I. Pindar, of Greene ; Chancey Boorne, of Schoharie ; Solomon M. Byam, of Jefferson ; S. C. Crittenden, of New York.

*The ten Pages heretofore announced with the following to serve till March 1st 1872*—J. Edward Banks, John Goroan, Thomas Jenkins, Thomas Riley, Jesse L. Parker.

*Pages to serve from March 1st to the end of the session*—Perry B. Clark, Charles E. Reid, Stephen Moran, James Chestney, John K. White, Fredrick Tibbitts, Mathew Defreest, Owen Chandler, A. R. Smith, Gorden McHaney, Joseph Albers, Henry Wands, David Thomas, William Mentony, Thomas Goldrich.

Mr. Husted, from the committee on rules, presented a report in the words following :

The undersigned, to whom were referred the joint rules of the two Houses, submit the following as said rules for 1872 :

*Rule 1.* Each House shall transmit to the other all papers in which any bill or resolution shall be founded.

*Rule 2.* When a bill or resolution which shall have passed in one House shall be rejected in the other, notice thereof shall be given to the House in which the same may have passed.

*Rule 3.* Messages from one House to the other shall be communicated by their clerks respectively, unless the House transmitting the message shall specially direct otherwise.

*Rule 4.* It shall be in the power of either House to amend any amendment made by the other to any bill or resolution.

*Rule 5.* In every case of difference between the two Houses, upon any subject of legislation, either House may request a conference, and appoint



a committee for that purpose, and the other shall also appoint a committee to confer. The committee shall meet at such hour and place as shall be appointed by the chairman of the committee on the part of the House requesting such conference. The conferees shall state to each other verbally, or in writing, as either shall choose, the reasons of their respective Houses, and confer freely thereon. The committee shall report in writing, and shall be authorized to report such modifications or amendments as they think advisable. But no committee on conference shall consider or report on any matters except those directly at issue between the two Houses. The papers shall be left with the conferees of the House assenting to such conference, and they shall present the report of the committee to their House. When such House shall have acted thereon, they shall transmit the same, and the papers relating thereto, to the other, with a message certifying its action thereon.

*Rule 6.* It shall be in order for either House to recede from any subject-matter of difference subsisting between the two Houses at any time previous to conference, whether the papers on which such difference arose are before the House receding, formally or informally; and on such vote to recede, the same number shall be required to constitute a quorum to act thereon, and to assent to such receding, as was required on the original question out of which the difference arose.

*Rule 7.* After each House shall have adhered to their disagreement, the bill which is the subject of difference shall be deemed lost, and shall not be again revived during the same session in either House.

*Rule 8.* All joint committees of the two Houses, and all committees of conference, shall consist of three Senators and five members of Assembly, unless otherwise specially ordered by concurrent resolution.

*Rule 9.* No bill which shall have passed one House shall have its final reading in the other in less than two days thereafter, without the consent of two-thirds of the members thereof present; and whenever ten or more bills shall be in readiness for final reading in either House, such House shall forthwith proceed to the final reading of such bills, under the order of "third reading of bills, and continue the same from day to day, until all such bills" then in readiness for final reading shall have been read, unless this order of business shall, by the vote of two-thirds of the members present, be suspended or laid on the table. All such bills shall have their last reading in each House in the order in which the same shall have been ordered to a final reading in such House, unless the bill to be read be laid on the table. In all cases where a bill shall be so ordered to lie on the table, it shall retain its place in the order of the final reading of bills, but shall not be called up for consideration unless by a vote of a majority of the members present.

*Rule 10.* The same bill shall not, specially or by name, create, renew or continue more than one incorporation, nor contain any provisions in relation to the altering of more than one incorporation by name; but this rule shall not be construed to apply to corporations to be formed under general laws according to the eighth article of the Constitution, nor to bills for consolidating corporations. After any bill has been reported by a committee, no amendment shall be made thereto which introduces an entirely new and different subject-matter from the subject-matter of the bill reported.

*Rule 11.* Whenever there shall be an election of officers by the joint action of the two Houses, the result shall be certified by the President of the Senate and Speaker of the Assembly, and shall be reported by the

presiding officer of each House, to their respective Houses and be entered on the journals of each, and shall be communicated to the Governor by the clerks of the two Houses.

*Rule 12.* There shall be printed, of course, and without order, 389 copies of all original bills reported by committees of either House; and 800 copies of all messages from the Governor (except messages certifying his approval of bills), all reports of standing or select committees, and all reports and all communications made in pursuance of law; and 796 copies of the journal of each House, which number shall be denominated the usual number.

*Rule 13.* Neither House shall order the printing or purchasing of books for the use of members or for distribution, except by joint resolution upon which the ayes and noes shall be called, and which must receive the votes of a majority of each House; and no printing shall be done, by order of either House, which is not embraced in the contract for doing the public printing. Whenever either House shall order more than the usual number of any message or document, the fact shall be communicated immediately by message to the other. Whenever extra copies of any document shall be ordered printed, the printer shall be authorized and required to deliver to the trustees of the State Library at least five copies in addition to the number so ordered, for the use of the said library; and whenever more than 500 copies are so ordered, the printer shall in like manner furnish five additional copies for each 500, for the purpose of literary exchanges.

*Rule 14.* When the same document shall by separate orders be directed to be printed by both Houses, it shall be regarded as but one order unless otherwise expressly directed by either House.

*Rule 15.* In the distribution of documents, the Governor and State officers shall each have the same number as each of the members; and a specified number may be added for any committee, officer, or author of a document.

*Rule 16.* The sergeant-at-arms of each House shall receive from the printer all matter ordered by the respective Houses, and shall keep a book and enter therein the time of reception by him of every such bill or document, and the number of copies received, and shall cause each and any of such bill or document to be immediately placed on the desks of the members.

*Rule 17.* There shall be printed three hundred and eighty-nine bills, and distributed as follows:

|                             |             |
|-----------------------------|-------------|
| To the Senate .....         | 100 copies. |
| To the Assembly .....       | 250 copies. |
| To the State officers ..... | 28 copies.  |
| To the State Library .....  | 1 copy.     |
| Retained to bind .....      | 10 copies.  |

There shall be printed three hundred and ten messages and documents, and distributed as follows:

|                            |             |
|----------------------------|-------------|
| To the Senate .....        | 80 copies.  |
| To the Assembly .....      | 190 copies. |
| To State officers .....    | 30 copies.  |
| To the State Library ..... | 1 copy.     |

There shall be printed three hundred journals of each House, and distributed as follows:

|                       |             |
|-----------------------|-------------|
| To the Senate .....   | 80 copies.  |
| To the Assembly ..... | 188 copies. |

|                             |            |
|-----------------------------|------------|
| To the State officers ..... | 30 copies. |
| To the State Library .....  | 2 copies.  |

There shall be printed to bind four hundred and ninety-six journals of each House, and the same number of messages and documents, and distributed as follows:

|  |             |
|--|-------------|
| For the Senate .....   | 38 copies.  |
| For the Assembly .....   | 134 copies. |
| For Senate Library .....   | 16 copies.  |
| For Assembly Library .....   | 50 copies.  |
| For the counties and public officers .....   | 123 copies. |
| For literary and scientific exchanges, to be made by the Regents of the University, including one copy for each State and territory, and one copy for each of the regents who are not otherwise provided for ..... | 124 copies. |
| For State Library .....  | 5 copies.   |

There shall also be printed and bound for the State Library five copies of the Session Laws, and also of the journal of each House, and fifty-five copies of the same for the Regents of the University, for the purpose of literary exchanges.

The Clerk of each House shall forthwith, after the journal thereof of each day is approved, deliver a legible copy thereof to the printer for the two Houses, who shall have the same printed and delivered to the sergeant-at-arms of each House within forty-eight hours thereafter.

*Rule 18.* There shall be a standing committee, consisting of three members of the Senate and five members of the Assembly, to be called the Joint Committee on the State Library and Cabinet of Natural History.

*Rule 19.* The supply bill and the annual appropriation bill shall be reported by the 15th day of March, and printed immediately thereafter, and made the special order for the 25th day of March, or some day prior thereto, immediately after the reading of the journal.

*Rule 20.* No bill introduced after the 15th day of March in either House shall have its final reading in either House until all bills previously introduced in either, and sent from one House to the other House for concurrence and ready for third reading, shall be disposed of, unless by unanimous consent, except the supply bill and the annual appropriation bill; and the clerk of each House shall note on each engrossed bill the day on which it was introduced and the day on which it was received from the other House, and shall announce such facts when the same is proposed to be read a third time.

*Rule 21.* When a bill, originated in the Senate or Assembly, shall have been lost in either House, neither the same, nor any other bill on the same subject, and containing similar provisions, shall be subsequently introduced into the Senate or Assembly during the same session, unless by unanimous consent.

W. B. WOODIN,

*Chairman of Senate Committee.*

JAMES W. HUSTED,

*Chairman of Assembly Committee.*

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative.

On motion of Mr. Husted, said report was ordered printed.

*Ordered,* That the Clerk transmit said report to the Senate, and request their concurrence therein.

Mr. Speaker announced the special order, being the report of the committee on rules.



Mr. Husted, from the special committee to whom was referred the rules of the Assembly, for the revision thereof, respectfully report that they have amended rule 2, paragraph 7, by striking out "twenty-five" in line 3, and inserting "twenty" in place thereof.

Mr. Speaker put the question whether the House would agree to said amendment, and it was determined in the affirmative.

Also, have amended rule 6, by inserting after the word "question," in line 5, the word "but."

Mr. Speaker put the question whether the House would agree to said amendment, and it was determined in the affirmative.

Also, have amended rule 13 by striking out, in line 2, the word "shall."

Mr. Speaker put the question whether the House would agree to said amendment, and it was determined in the affirmative.

On motion of Mr. Fields, rule 50 was amended so as to read as follows:

*Rule 50.* The motions to adjourn, to take a recess, and to adjourn for a longer period than one day, shall always be in order, but the latter motion shall not preclude debate.

Have amended rule 51, by inserting after the word "reconsideration," where it first occurs in line 8, the following, viz.: "but such motion shall be considered a privileged motion, and shall always be in order."

Mr. Alvord moved to substitute for the amendment proposed by the committee to rule 51, the following:

*Rule 51.* No motion for reconsideration of any vote shall be in order unless on the same day or the following legislative day to that on which the decision proposed to be reconsidered took place, except bills returned by the Governor for correction, nor unless a member who voted in the majority thereon shall move such reconsideration, except a motion for reconsideration of any vote on a bill, which may be moved by any member and which shall be considered a privileged motion to any member, and shall be in order at any time within the limits of time above specified. A motion for reconsideration being put and lost shall not be renewed, nor shall any subject or vote be a second time reconsidered without unanimous consent.

Mr. Speaker put the question whether the House would agree to said motion to substitute, and it was determined in the affirmative.

Have amended rule 57, by striking out lines two and three and inserting in place thereof the following, viz.: "shall be entitled to admission to the floor of the House during the session thereof, viz."

Mr. Speaker put the question whether the House would agree to said motion to amend, and it was determined in the affirmative.

And by adding after the enumeration of those thus designated the following, viz.: "No other persons shall be admitted to the floor during the session except upon the invitation of the Speaker."

Mr. Fields moved to strike out "invitation" and insert "permission."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said report, and it was determined in the affirmative.

Have amended rule 66 so as to read as follows, viz.:

The following committees of the House are authorized to employ one clerk each, viz.:

1. Ways and Means.
2. Judiciary.
3. Affairs of Cities.
4. Canals.

5. Commerce and Navigation.

6. Railroads.

And the following one clerk jointly :

7. Affairs of Villages and Roads and Bridges.

8. Claims and State Prisons.

9. Insurance and Internal Affairs.

10. Charitable and Religious Societies and Banks.

11. Public Printing, Civil Divisions and Agriculture.

12. Militia, Grievances and Trade and Manufactures.

13. Public Education, Manufacture of Salt, and Petitions of Aliens.

14. Public Health, State Charitable Institutions, and Two-thirds and Three-fifths Bills.

15. Privileges and Elections, Public Lands and Expenditures of the House.

16. Federal Relations, Indian Affairs, Joint Library, and Expenditures in the Executive Department.

Each of the committees, severally or jointly authorized as aforesaid to appoint a clerk, may also designate a person as one of the pages of the House to act as messenger; but no clerk or page shall be thus employed except upon the request in writing of the chairman or chairmen of the respective committee or committees, or a majority of them, and the approval of the House or Speaker.

Mr. Husted moved to amend by inserting after the word "clerk," where it first occurs, the words "and messenger."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Husted moved to amend by inserting after the word "clerk," where it secondly occurs, the words "and messenger."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Husted moved to amend subdivision 9 by striking out the words "internal affairs" and inserting the word "banks."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Husted moved to amend subdivision 10, by striking out "banks" and inserting "internal affairs."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Husted moved to strike out the words "each of the committees, severally or jointly authorized as aforesaid to appoint a clerk, may also designate a person as one of the pages of the House to act as messenger."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Husted moved to strike out the word "page" and insert the word "messenger," and also to strike out the word "thus" where it next occurs.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Have amended rule 69, by striking out the word "sixteen" in line 1, and inserting the word "fifteen" in place thereof.

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative.

Mr. Husted moved that all the balance of the rules of the last House be adopted as the rules of the present House.



Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Husted moved that said rules, as amended, be printed.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Alvord presented a memorial of the Bar Association of the city of New York, and the memorial of Wheeler H. Peckham and others, members of the judiciary committee thereof, and others, praying for an investigation of the official conduct of certain judges of the supreme court in the city of New York; which were laid on the table and ordered printed.

(See Doc. No. 40.)

In connection therewith, Mr. Alvord offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the memorial now here presented be referred to the standing committee on judiciary, and that that committee make inquiry and investigation concerning the matters therein alleged as to abuses in the administration of justice in the city and county of New York, and such committee is authorized and directed to conduct such inquiry and investigation and take testimony therein in the city of New York, and report by bill or otherwise as it shall think proper and at any time.

Mr. Speaker then put the question whether the House would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. Alvord said memorials and accompanying schedules were ordered printed.

Mr. Flammer presented the petition of Timothy Baldwin, Jr., for release of interest of the State in certain lands formerly owned by Michael Dunn, an alien; which was read and referred to the committee on petitions of aliens.

Mr. W. J. Van Dusen presented a petition of trustees of the Amsterdam Academy for increase of the literature fund; which was read and referred to the committee on ways and means.

Mr. Beckwith presented the petition of Dolly Johnson to be reimbursed expenses to vacate patent of her lands; which was read and referred to the committee on ways and means.

Mr. Hungerford presented a remonstrance of the common council of the city of Utica against creating a tenth ward; which was read and referred to the committee on the affairs of cities.

Mr. Swain presented a remonstrance of the citizens of Wilson, Niagara county, against the passage of Senate bill No. 20, entitled "An act to amend an act entitled 'An act to facilitate the construction of the Lake Ontario Shore railroad,'" etc.; which was read and referred to the committee on railroads.

Mr. Alberger presented a petition of St. Mary's Widow and Lying-in-Hospital, in the city of Buffalo, for relief; which was read and referred to the committee on ways and means.

Mr. Carroll presented petitions in favor of Beach Pneumatic Underground Railway; which was read and referred to the committee on railroads.

Mr. Loughran presented a petition of the trustees of the village of Rondout and 400 others, inhabitants thereof, in favor of a city charter for said village; which was read and referred to the committee on the affairs of cities.

Messrs. Murdock, Smyth and Lord, severally, presented petitions of citizens of different portions of the State against legislative interference



with the management of the Erie railway; which were read and referred to the committee on railroads.

Mr. Lincoln presented the petition of Mary Wheleham for release of lands in Canandaigua, Ontario county; which was read and referred to the committee on petitions of aliens.

Mr. Badeau presented a remonstrance against the making of a public road in the town of Pelham; which was read and referred to the committee on roads and bridges.

Messrs. Pell, Jacobs, Haight, Peck and Bennett, severally, presented various petitions for reduced rates of ferriage between Brooklyn and the city of New York; which were read and referred to the committee on commerce and navigation.

Mr. Lippitt presented a petition of citizens of Hamilton, Madison county, for an increase of the literature fund; which was read and referred to the committee on ways and means.

Mr. Sage presented a remonstrance of citizens of Sandy Creek, Oswego county, against increasing the salaries of county judge and surrogate of said county; which was read and referred to the committee on ways and means.

Mr. Husted presented a petition from Putnam county in favor of repeal of the New York city water bill; which was read and referred to the committee on the affairs of cities.

Mr. Loughran presented a remonstrance from Kingston against being included in the contemplated city of Kingston; which was read and referred to the committee on the affairs of cities.

Mr. Whitbeck presented a remonstrance from New York city against the opening of 127th, 128th and 129th streets in said city, now closed by law; which was read and referred to the committee on the affairs of cities.

Mr. Sage presented a remonstrance from Mexico, Oswego county, against increasing the salaries of county judge and surrogate in said county; which was read and referred to the committee on the judiciary.

Mr. Fort presented several remonstrances against the passage of Senate bill No. 20, entitled "An act to amend an act entitled 'An act to facilitate the construction of the Lake Ontario Shore railroad, and to amend the several acts in relation thereto,' passed March 17, 1871;" which were read and referred to the committee on railroads.

Mr. Loughran presented a petition from citizens of Kingston, asking to be included in the contemplated city of Rondout; which was read and referred to the committee on the affairs of cities.

Mr. Houghton presented a petition from Albany praying for the exemption of real estate mortgages from taxation; which was read and referred to the committee on ways and means.

Mr. Rose, from the committee on grievances, to which was referred the Senate bill entitled "An act for relief of Cornelia Townsend," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Enos, from the committee on internal affairs, to which was referred the bill entitled "An act authorizing the election of a board of auditors for the town of Lenox, Madison county," reported the same for the consideration of the House; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Enos, from the committee on internal affairs, to which was referred the bill entitled "An act for the relief of John N. Dunn and Eliphalet

J. Swain," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Enos, from the committee on internal affairs, to which was referred the bill entitled "An act to enable the electors of the town of Wilna, in the county of Jefferson, to vote by districts for town officers," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to repeal section 1 of an act to amend an act entitled 'An act to reorganize the local government of the city of New York,' passed April 18, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to reorganize the local government of the city of New York," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend chapter 156, of the Laws of 1868, entitled 'An act to incorporate the village of Greenport, Suffolk county,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

On motion of Mr. West, and by unanimous consent,

*Resolved*, That the bill entitled "An act to repeal chapter 944, of the Laws of 1871, relating to the manufacture and sale of gas in the city of New York," being printed bill No. 108, be recommitted to the committee on trade and manufactures, retaining its place on general orders.

Mr. Smiley, from the committee on public printing, to which was referred the resolution offered by Mr. Sniper, as follows: *Resolved*, That 500 copies of the annual report of the superintendent of the Onondaga salt springs, in paper covers, be printed for the use of the Superintendent," reported adversely thereto.

Mr. Alvord moved to disagree with said report.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Smiley, from the committee on public printing, to which was referred the resolution offered by Mr. G. P. Lord, as follows: "*Resolved*, That 1,500 extra copies of the report of the executive committee of the Normal School be printed for the use of the committee and school," reported adversely thereto.

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative.

Mr. Smiley, from the committee on public printing, to which was referred the resolution offered by Mr. Husted, as follows: "*Resolved*, That 1,500 copies of the report of Secretary of State on the criminal statistics of the State be printed for the use of the secretary," reported adversely thereto.

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative.

Mr. Smiley, from the committee on public printing, to which was referred the resolution offered by Mr. Husted, as follows: "*Resolved*, That



500 extra copies of the report of the Commissioners of Quarantine be printed for the use of the commissioners," reported adversely thereto.

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act authorizing and directing the surrogate of the county of Cattaraugus to distribute to the collateral next of kin of Sarah Denman her legacy under the last will and testament of her father, Ashbel Freeman, deceased, and also her distributive share as one of the next of kin of the estate of her deceased sister, Catharine Freeman," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to legalize the action of the board of supervisors of the county of Schenectady designating the day of holding town meetings in the county of Schenectady, and to make the day of charter election in the city of Schenectady uniform therewith," reported adversely thereto; which report was agreed to.

Mr. Prince, from the committee on the judiciary, to which was referred the Senate bill entitled "An act to amend an act entitled 'An act in relation to the fees of sheriffs, except in the counties of Kings, New York and Westchester,' passed April 12, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

A message from the Senate was received and read, informing of concurrence in the amendments of the Assembly to the Senate bill entitled as follows:

"An act to change the name of the Flatbush Avenue Industrial School and Nursery."

*Ordered*, That the Clerk return said bill to the Senate.

A message from the Senate was received and read, informing of concurrence in the passage of the bills entitled as follows:

"An act to extend and define the jail liberties of the city and county of Albany."

"An act to authorize the railroad commissioners of the town of Lowville, in Lewis county, to issue bonds on said town in place of others now falling due, and otherwise amending chapter 426 of the Laws of 1866."

"An act to increase the duties of clerks of boards of supervisors."

*Ordered*, That the Clerk deliver said bills to the Governor.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act to extend the time for beginning the construction of the road of the Cattaraugus Railway Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to amend an act entitled 'An act incorporating the Goshen Savings Bank,' passed April 11, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act to release the interest of the people of the State of New York in certain lands to Charles O. Jones," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the petitions of aliens.



"An act in relation to witnesses in criminal cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to release and convey the interest of the people of the State of New York in certain real estate in the city of Utica, of which Owen J. Owens died possessed, to Owen Griffiths, his nephew," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the petitions of aliens.

"An act in relation to the dividends of life insurance companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance companies.

"An act legalizing the conveyance of the fair grounds of the Cattaraugus County Agricultural Society," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

"An act to establish the tenth ward in the city of Utica," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act for the protection of tax-payers against the frauds, embezzlements, and wrongful acts of public officers and agents," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Alvord said bill was substituted for Assembly bill of same title now on third reading of bills.

The bill entitled "An act to extend, widen, alter and improve Banker street, to close a portion of the same, and to improve Union avenue, in the city of Brooklyn," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Abbott        | Couchman    | Herrick    | Mosher  | Sniper          |
| Aitken        | Crandall    | A. Hill    | Moulton | Speaker         |
| Alvord        | Davidson    | D. B. Hill | Murdock | Springsted      |
| D. L. Babcock | Dykeman     | Holdridge  | Niles   | Strahan         |
| I. H. Babcock | Eastman     | Houghton   | Paige   | Swain           |
| Badeau        | Enos        | Husted     | Peck    | Tobey           |
| Baltz         | Fields      | Hyatt      | Pell    | D. Tomkins      |
| Beckwith      | Flammer     | Jacobs     | Pierce  | M. M. Tompkins  |
| Bennett       | Fort        | Judd       | Preston | Tucker          |
| Blair         | Fowler      | Kingsland  | Prince  | W. J. Van Dusen |
| E. E. Brown   | Geib        | Lincoln    | Ray     | Wells           |
| I. D. Brown   | Goss        | Lott       | Rose    | Whitbeck        |
| Buckley       | Green       | Loughran   | Sage    | White           |
| Buell         | Gregory     | Mackay     | Simson  | Whitaker        |
| Burns         | Griffin     | Marcy      | Smiley  | Woodward        |
| Burritt       | Hart        | Moore      | Smith   | Woolsey         |
| Campbell      | Hawkins     | Moseley    | Smyth   | Yeomans         |
| Chambers      | A. L. Hayes |            |         |                 |

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Moseley moved to lay the pending order of business upon the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative, two-thirds of all the members present not voting in favor thereof.

Leave of absence was granted to Mr. Lewis indefinitely, on account of sickness, and to Mr. Swain until Thursday.

The Senate returned the Senate bill entitled "An act to authorize the town of Herkimer, Herkimer county, to issue bonds upon its credit for the purpose of raising money to be contributed toward building a new court-house for said county in said town," with a message in the words following:

IN SENATE, *February 1, 1872.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill entitled "An act to authorize the town of Herkimer, Herkimer county, to issue bonds upon its credit for the purpose of raising money to be contributed toward building a new court-house for said county in said town."

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. McGowan said bill was referred to the committee on the judiciary, who reported the same back with the following amendment:

Strike out section 1 of engrossed bill and insert in lieu thereof the following:

"Whenever the board of supervisors of the county of Herkimer shall finally determine to build a new court-house for said county, in the town of Herkimer, said town may issue its bonds for ten thousand dollars for the purpose of aiding in building and completing the same; and in case it shall cost to build and complete said court-house more than forty thousand dollars, then the said town of Herkimer shall further issue its bonds for one-quarter of the sum which the said court-house, when completed, shall cost over the said forty thousand dollars, in addition to the said sum of ten thousand dollars."

Said bill as amended was passed, and ordered sent to the Assembly for concurrence.

Mr. Alvord moved that the vote on the final passage of said bill be reconsidered.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Abbott        | Crandall   | Herrick    | Moore   | Smyth           |
| Aitken        | Davidson   | A. Hill    | Mosher  | Sniper          |
| Alvord        | Dykeman    | D. B. Hill | Moulton | Speaker         |
| D. L. Babcock | Eastman    | Holdridge  | Murdock | Springsted      |
| I. H. Babcock | Fields     | Hollister  | Paige   | Strahan         |
| Badeau        | Flammer    | Haughton   | Pell    | Swain           |
| Beckwith      | Fort       | Husted     | Pierce  | Tobey           |
| Bennett       | Fowler     | Hyatt      | Preston | D. Tomkins      |
| Blair         | Geib       | Jacobs     | Prince  | M. M. Tompkins  |
| E. E. Brown   | Goss       | Judd       | Ray     | W. J. Van Dusen |
| I. D. Brown   | Greenhalgh | Kingsland  | Rice    | Wells           |
| Buckley       | Gregory    | Lincoln    | Rose    | Whitbeck        |

|          |             |            |            |          |
|----------|-------------|------------|------------|----------|
| Buell    | Haight      | G. D. Lord | Sage       | White    |
| Burns    | Hart        | G. P. Lord | Shepardson | Whitaker |
| Burritt  | Hawkins     | Lott       | Simson     | Woodward |
| Chambers | A. L. Hayes | Mackay     | Smiley     | Woolsey  |
| Couchman | Healy       | Marcy      | Smith      | Yeomans  |

Mr. Speaker then put the question whether the House would agree to the final passage of said bill, as amended, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |             |         |                 |
|---------------|----------|-------------|---------|-----------------|
| Abbott        | Couchman | A. L. Hayes | Marcy   | Smith           |
| Aitken        | Crandall | Herrick     | Moore   | Smyth           |
| Alvord        | Davidson | A. Hill     | Moseley | Sniper          |
| D. L. Babcock | Dykeman  | D. B. Hill  | Mosher  | Speaker         |
| I. H. Babcock | Eastman  | Holdridge   | Moulton | Strahan         |
| Badeau        | Enos     | Houghton    | Murdock | Swain           |
| Baltz         | Fields   | Husted      | Pell    | Tobey           |
| Beckwith      | Fort     | Hyatt       | Pierce  | D. Tomkins      |
| Bennett       | Geib     | Jacobs      | Preston | Tucker          |
| Buckley       | Goss     | Judd        | Prince  | W. J. Van Dusen |
| Buell         | Green    | Kingsland   | Ray     | Wells           |
| Burns         | Gregory  | Lincoln     | Rice    | Whitbeck        |
| Burritt       | Haight   | G. D. Lord  | Rose    | White           |
| Campbell      | Hart     | G. P. Lord  | Sage    | Woodward        |
| Chambers      | Haughton | Lott        | Simson  | Woolsey         |
| Cook          | Hawkins  | Mackay      | Smiley  | Yeomans         |

The Senate returned the bill entitled "An act to incorporate the Lockport Driving Park Association," with a message that they had concurred in the passage of the same, with the following amendment:

Add at the end of section 5, the following:

"But no bet or wager on the speed of horses, shall be allowed by said association, on the ground so leased or owned."

Strike out sections 14 and 15, and change number of subsequent sections to correspond.

Mr. Speaker put the question whether the House would concur in said amendments, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |            |         |                 |
|---------------|----------|------------|---------|-----------------|
| Abbott        | Couchman | A. Hill    | Morton  | Smyth           |
| Aitken        | Crandall | D. B. Hill | Moseley | Sniper          |
| Alvord        | Davidson | Holdridge  | Mosher  | Speaker         |
| D. L. Babcock | Dykeman  | Houghton   | Moulton | Strahan         |
| I. H. Babcock | Enos     | Husted     | Niles   | Swain           |
| Badeau        | Fields   | Hyatt      | Oakley  | Tobey           |
| Baltz         | Fort     | Jacobs     | Pell    | D. Tomkins      |
| Beckwith      | Fowler   | Judd       | Pierce  | M. M. Tompkins  |
| Bennett       | Geib     | Kingsland  | Preston | Tucker          |
| I. D. Brown   | Goss     | Lincoln    | Prince  | W. J. Van Dusen |
| Buckley       | Green    | Lippitt    | Ray     | Wells           |
| Buell         | Haight   | G. D. Lord | Rice    | Whitbeck        |
| Burns         | Hart     | G. P. Lord | Rose    | White           |



Burritt  
Chambers  
Cook

Hawkins  
Healy  
Herrick

Lott  
Mackay  
Marcy

Shepardson  
Simson  
Smith

Whitaker  
Woodward  
Woolsey

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Clerk announced the following additional appointments :

*Deputy Clerks*—John B. Haskell, of Monroe; Ethan A. Durham, of Ulster; James O. Fanning, of Yates; Thomas J. Parker, of Cattaraugus; Eleazer Baldwin, of Niagara; John W. Kiernan, of Albany.

*Clerk to Committee on Engrossed Bills*—William H. Phillips, of Oneida.

*Librarian*—James I. Hendryx, of Otsego.

*Assistant Librarian*—Sidney N. Kinney, of Rensselaer.

*Bank Messenger*—William R. Marks.

*Clerk's Messenger*—Theodore B. McKallor.

*Librarian's Messenger*—George Moon.

*Engrossing Room Messenger*—Charles L. Keyes.

By unanimous consent, Mr. Judd introduced a bill entitled "An act to appoint commissioners to make a survey of Richmond county, and certain maps therefrom, and to mature and report a plan for laying out Staten Island, and for securing a water supply for the inhabitants thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Bennett moved that the House now adjourn to meet on Monday evening next at 7½ o'clock.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

{ AYES 43 }  
{ NOES 53 }

Those who voted in the affirmative, were

|               |          |             |        |                |
|---------------|----------|-------------|--------|----------------|
| Aitken        | Chambers | Haughton    | Morton | Roche          |
| D. L. Babcock | Cook     | A. L. Hayes | Mosher | Strahan        |
| Badeau        | Couchman | Healy       | Oakley | D. Tomkins     |
| Baltz         | Fields   | A. Hill     | Paige  | M. M. Tompkins |
| Bennett       | Flammer  | D. B. Hill  | Peck   | Tucker         |
| E. E. Brown   | Geib     | Husted      | Pell   | Whitbeck       |
| Buell         | Green    | Jacobs      | Pierce | Whitaker       |
| Burns         | Haight   | G. D. Lord  | Rice   | Woolsey        |
| Campbell      | Hart     | Loughran    |        |                |

Those who voted in the negative, were

|               |           |            |            |                 |
|---------------|-----------|------------|------------|-----------------|
| Abbott        | Fort      | Lincoln    | Preston    | Sniper          |
| Alberger      | Fowler    | Lippitt    | Prince     | Speaker         |
| Alvord        | Goss      | G. P. Lord | Ray        | Squires         |
| I. H. Babcock | Gregory   | Lott       | Rose       | Tobey           |
| Beckwith      | Hawkins   | Mackay     | Sage       | A. L. Van Dusen |
| I. D. Brown   | Herrick   | Marcy      | Shepardson | W. J. Van Dusen |
| Burritt       | Holdridge | Moore      | Simson     | Wells           |
| Crandall      | Houghton  | Moseley    | Smiley     | White           |
| Davidson      | Hyatt     | Moulton    | Smith      | Woodward        |
| Dykeman       | Judd      | Murdock    | Smyth      | Yeomans         |
| Enos          | Kingsland | Niles      |            |                 |

Mr. Lincoln moved that the House do now adjourn.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

{ AYES 42 }  
{ NOES 43 }

Those who voted in the affirmative, were

|               |          |            |          |                 |
|---------------|----------|------------|----------|-----------------|
| Abbott        | Davidson | Husted     | Moore    | Smith           |
| Alvord        | Dykeman  | Lincoln    | Moulton  | Sniper          |
| D. L. Babcock | Enos     | Lippitt    | Murdock; | Speaker         |
| Baltz         | Fowler   | G. D. Lord | Paige    | A. L. Van Dusen |
| Bennett       | Gregory  | Lott       | Peck     | W. J. Van Dusen |
| I. D. Brown   | Haight   | Loughran   | Pierce   | White           |
| Burns         | Herrick  | Mackay     | Sage     | Whitaker        |
| Burritt       | A. Hill  | Marcy      | Smiley   | Woodward        |
| Crandall      | Houghton |            |          |                 |

Those who voted in the negative, were

|               |             |            |         |                |
|---------------|-------------|------------|---------|----------------|
| Aitken        | Couchman    | D. B. Hill | Oakley  | Smyth          |
| Alberger      | Flammer     | Holdridge  | Pell    | Strahan        |
| I. H. Babcock | Fort        | Hyatt      | Preston | M. M. Tompkins |
| Badeau        | Goss        | Judd       | Prince  | Tucker         |
| Beckwith      | Green       | G. P. Lord | Ray     | Wells          |
| E. E. Brown   | Hart        | Morton     | Rice    | Whitbeck       |
| Buell         | Hawkins     | Moseley    | Roche   | Woolsey        |
| Campbell      | A. L. Hayes | Mosher     | Simson  | Yeomans        |
| Chambers      | Healy       | Niles      |         |                |

Mr. Prince moved that the House take a recess until 7½ o'clock.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

{ AYES 49 }  
{ NOES 33 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Gregory     | Lincoln    | Oakley     | Strahan         |
| Alvord        | Griffin     | Lippitt    | Paige      | Tobey           |
| I. H. Babcock | A. L. Hayes | G. P. Lord | Prince     | A. L. Van Dusen |
| Beckwith      | Herrick     | Lott       | Ray        | W. J. Van Dusen |
| Burritt       | D. B. Hill  | Lynde      | Rose       | Wells           |
| Campbell      | Holdridge   | Mackay     | Shepardson | White           |
| Enos          | Houghton    | Marcy      | Simson     | Whitaker        |
| Flammer       | Husted      | Moore      | Smith      | Woodward        |
| Fort          | Hyatt       | Moulton    | Speaker    | Yeomans         |
| Goss          | Kingsland   | Murdock    | Squires    |                 |

Those who voted in the negative, were

|               |          |            |         |                |
|---------------|----------|------------|---------|----------------|
| Alberger      | Couchman | Judd       | Pell    | Smyth          |
| D. L. Babcock | Crandall | G. D. Lord | Preston | Sniper         |
| Badeau        | Davidson | Loughran   | Rice    | M. M. Tompkins |
| I. D. Brown   | Fowler   | Morton     | Roche   | Tucker         |
| Buell         | Hart     | Moseley    | Sage    | Whitbeck       |
| Burns         | Hawkins  | Mosher     | Smiley  | Woolsey        |
| Chambers      | A. Hill  | Niles      |         |                |

At 2 o'clock and 15 minutes, the House took a recess until 7½ o'clock.

HALF-PAST SEVEN O'CLOCK P. M.

The House again met.

Mr. Alvord called for a call of the roll of the members.

Whereupon the Clerk proceeded to call the roll, and the following gentlemen were present and answered to their names when called :

## PRESENT 69.

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Dykeman     | Husted     | Mosher     | Sniper          |
| Alvord        | Flammer     | Hyatt      | Moulton    | Speaker         |
| D. L. Babcock | Fort        | Judd       | Murdock    | Squires         |
| I. H. Babcock | Goss        | Kennedy    | Preston    | Strahan         |
| Badeau        | Green       | Kingsland  | Prince     | Tobey           |
| Beckwith      | Gregory     | Knapp      | Ray        | Tucker          |
| E. E. Brown   | Haight      | Lincoln    | Rice       | A. L. Van Dusen |
| I. D. Brown   | Hawkins     | G. D. Lord | Rose       | Wells           |
| Buell         | A. L. Hayes | G. P. Lord | Sage       | Whitbeck        |
| Burns         | Herrick     | Lott       | Shepardson | White           |
| Burritt       | A. Hill     | Mackay     | Simson     | Whitaker        |
| Couchman      | D. B. Hill  | Marcy      | Smiley     | Woodward        |
| Crandall      | Holdridge   | Moore      | Smith      | Yeomans         |
| Davidson      | Houghton    | Moseley    | Smyth      |                 |

Mr. A. L. Van Dusen, from the committee on engrossed bills, reported as correctly re-engrossed the bill entitled as follows :

"An act to incorporate the Lockport Driving Park Association."

Mr. Speaker announced the order of business of third reading of bills.

When Mr. Alvord moved to lay said order of business upon the table, and that the House proceed to the consideration of the order of business of "introduction of bills" and "general orders."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Leave of absence was granted to Messrs. Blair, Griffin, Loughran, W. J. Van Dusen and Whitaker indefinitely, on account of sickness; to Messrs. Alberger, Baltz and Chambers, until Wednesday, and to Messrs. D. B. Hill, Marcy, Moseley and Strahan, for one week.

Mr. Moseley introduced a bill entitled "An act to define the crime of murder in the first and second degrees," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Herrick introduced a bill entitled "An act to authorize the village of Greenbush to issue bonds for the purpose of raising money," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. I. D. Brown introduced a bill entitled "An act entitled 'An act to amend an act authorizing the construction of a street railroad in the city of Auburn,' passed April 15, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Fort introduced a bill entitled "An act making an appropriation to provide for a deficiency in the appropriation for the repairs and maintenance of the canals during the fiscal year commencing on the first day of October, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Also, a bill entitled "An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the first day of October, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.



Also, a bill entitled "An act to reappropriate moneys for the construction of new work upon, and extraordinary repairs of, the canals of this State, and for payment of awards made by canal appraisers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Also, a bill entitled "An act making appropriations for the payment of the principal and interest of the canal debt, commencing on the 1st day of October, 1872, and to provide for the payment of the debt contracted under section 12 of article 7 of the Constitution," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Mr. A. Hill introduced a bill entitled "An act to prolong the time for the payment of the capital stock of the Cocksackie Malleable and Grey Iron Company, and for the execution and recording of the certificate thereof, and to legalize the acts of said company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. D. L. Babcock introduced a bill entitled "An act for the improvement of the navigation of the Hudson river, and to make an appropriation therefor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Also, a bill entitled "An act relative to the manner of conducting and voting at primary elections in the several cities of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend chapter 77 of the Laws of 1870, and chapter 536 of the Laws of 1871, passed respectively March 16, 1870, and April 15, 1871, entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany, passed April 12, 1842, and the several acts amendatory thereof, in so far as they relate to the city of Albany,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Marcy introduced a bill entitled "An act to amend chapter 771 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish, passed April 26, 1871,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Blair introduced a bill entitled "An act to require the Forty-second street and Grand street Ferry Railroad Company, in the city of New York, to extend tracks in West Thirty-fourth street, and to run cars thereon," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Buell introduced a bill entitled "An act to incorporate the Dairyman's Manufacturing Association of Perth," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

Mr. Niles introduced a bill entitled "An act to establish a rapid transit steam ferry between Westchester county and New York city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Also, a bill entitled "An act to incorporate the Fordham Laundry Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trades and manufactures.

Mr. Badeau introduced a bill entitled "An act to amend an act entitled 'An act for the incorporation of villages,' passed April 20, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Hawkins introduced a bill entitled "An act establishing a quarantine, and defining the qualifications, duties and powers of the health officer for the harbor and port of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Lincoln introduced a bill entitled "An act entitled 'An act to release to Mary Wheldean the real estate of which John Wheldean died seized, in the town of Canandaigua, county of Ontario,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on petitions of aliens.

Mr. Whitbeck introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the New York Botanical Club,' passed April 21, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

Also, a bill entitled "An act to amend an act entitled 'An act to alter the map or plan of the city of New York,' passed April 15, 1859, relative to the Seventh avenue in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to amend an act passed April 24, 1865, entitled 'An act for the improvement of part of the city of New York between 110th street and Harlem river,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Tucker introduced a bill entitled "An act to amend an act entitled 'An act for the erection and maintenance of watering-troughs in the public highways,' passed April 7, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Tobey introduced a bill entitled "An act establishing a ferry from Barber's Point, in the town of West Port, in the county of Essex, across Lake Champlain, and to repeal chapter 495 of the Laws of 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. I. H. Babcock introduced a bill entitled "An act to provide against the evils resulting from the sale of intoxicating liquors in the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Alberger introduced a bill entitled "An act to incorporate St. Canisius college, at Buffalo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

Mr. D. B. Hill introduced a bill entitled "An act to amend an act entitled



'An act in relation to the qualifications of persons to be admitted to practice in the courts of this State as attorneys, solicitors and counselors,' passed April 13, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Houghton introduced a bill entitled "An act to exempt bonds and mortgages on real estate from taxation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

The House then resolved itself into a committee of the whole on the bills entitled as follows :

Senate, "An act to incorporate the Albany Produce Commission Company."

"An act for the extension of the Utica, Chenango and Cortland railroad."

"An act to authorize the village of Silver Creek, in the county of Chautauqua, to purchase, hold, use and convey certain real estate, and to legalize proceedings relative thereto."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Strahan, from said committee, reported progress on said first mentioned bill, and asked leave to sit again.

The question being upon granting leave,

Mr. Alvord moved to discharge the committee of the whole from the further consideration of said bill, and that the same be rejected.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Strahan, from said committee, also reported in favor of the passage of said second and third mentioned bills; which report was agreed to, and said bills ordered engrossed for a third reading.

The House again resolved itself into a committee of the whole on the bills entitled as follows :

"An act in relation to non-resident highway taxes upon certain lands in the counties of Hamilton and Warren."

"An act to amend an act entitled 'An act to authorize the Watervliet Turnpike Company to construct and maintain a railroad on their present road, and to extend the same into and through the village of West Troy and Cohoes and the town of Watervliet and the city of Albany, to increase the capital stock and to alter their corporate name,' passed April 15, 1862, by increasing the capital stock of the company for the purpose of paying the outstanding bonds thereof."

Senate, "An act in relation to Columbia College, in the city of New York."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Enos, from said committee, reported in favor of the passage of said first and second mentioned bills, the second mentioned with an amendment; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Enos, from said committee, also reported in favor of the passage of said third mentioned bill, with an amendment; which report was agreed to, and said bill ordered to a third reading.

On motion of Mr. Tobey, and by unanimous consent,

*Resolved*, That the standing committee on insurance, which has in charge the investigation of the affairs of the Insurance Department, under the resolution passed by the Assembly, on the 11th day of January, 1872, be, and the same are hereby authorized to send a sub-com-



mittee to the city of New York, for the purpose of taking testimony, as provided by the act in such case made and provided with power to send for persons and papers.

By unanimous consent,

Mr. Husted, from the committee on federal relations, to which was referred the petition of J. E. Woodruff, praying for an act ceding certain lands to the United States, reported a bill entitled "An act giving the consent of the State of New York to the purchase by and ceding jurisdiction to the United States over certain land on Cumberland Head, Clinton county, within this State, to be occupied as site of light-house keeper's dwelling," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Husted, from the committee on federal relations, to which was referred the bill entitled "An act granting jurisdiction to the United States over a certain piece of land within this State, to be occupied as a site for offices and store-houses, in the construction, repair and maintenance of a pier for the formation of a harbor at Oswego, New York," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

On motion of Mr. I. D. Brown, and by unanimous consent,

*Resolved*, That 1,500 copies of the list of committees of the Assembly be printed for the use of members.

Mr. Smyth moved that the House now adjourn until 7½ o'clock on Monday evening.

Mr. Alvord moved to amend by striking out all after the word "adjourn."

Debate was had thereon, when

Mr. Preston moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Alvord, and it was determined in the affirmative.

{ AYES 46 }  
{ NOES 26 }

Those who voted in the affirmative, were

|               |           |            |            |                 |
|---------------|-----------|------------|------------|-----------------|
| Abbott        | Goss      | Knapp      | Preston    | Speaker         |
| Alberger      | Gregory   | Lincoln    | Prince     | Squires         |
| Alvord        | Haight    | G. P. Lord | Ray        | Tobey           |
| D. L. Babcock | Herrick   | Lott       | Rose       | A. L. Van Dusen |
| I. H. Babcock | Holdridge | Mackay     | Shepardson | Wells           |
| Burritt       | Houghton  | Moore      | Simson     | Whitbeck        |
| Crandall      | Hyatt     | Moulton    | Smiley     | White           |
| Davidson      | Judd      | Murdock    | Smith      | Woodward        |
| Enos          | Kennedy   | Niles      | Sniper     | Yeomans         |
| Fowler        |           |            |            |                 |

Those who voted in the negative, were

|             |          |             |            |          |
|-------------|----------|-------------|------------|----------|
| Badeau      | Couchman | Hawkins     | Husted     | Sage     |
| Beckwith    | Dykeman  | A. L. Hayes | G. D. Lord | Smyth    |
| E. E. Brown | Flammer  | A. Hill     | Marcy      | Strahan  |
| I. D. Brown | Fort     | D. B. Hill  | Moseley    | Tucker   |
| Buell       | Green    | Hollister   | Rice       | Whitaker |
| Burns       |          |             |            |          |

Mr. Speaker then put the question whether the House would agree to said motion, as amended, and it was determined in the affirmative.

And at 9 o'clock and 47 minutes the House adjourned.

## SATURDAY, FEBRUARY 3, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. J. H. Brown.

The journal of yesterday was read and approved.

On motion of Mr. Husted, and by unanimous consent,

*Resolved*, That when the House adjourns it be to meet on Monday evening at 7½ o'clock.

Mr. Lott, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to authorize the village of Silver Creek, in the county of Chautauqua, to purchase, hold, use and convey certain real estate, and to legalize proceedings relative thereto."

"An act for the extension of the Utica, Chenango and Cortland railroad."

"An act to amend an act entitled 'An act to authorize the Watervliet Turnpike Company to construct and maintain a railroad on their present road, and to extend the same into and through the village of West Troy and Cohoes and the town of Watervliet and the city of Albany, to increase the capital stock, and to alter their corporate name,' passed April 15, 1862, by increasing the capital stock of the company for the purpose of paying the outstanding bonds thereof."

"An act to authorize the Canal Appraisers to hear and determine the claim of John Tyrrell and James Tyrrell, for the loss of their canal-boat Barney Bird, of Verona Landing, occasioned by the break in the Erie canal, at or near Fairport, in the spring of 1871, and to award damages for the same."

Mr. Speaker presented a communication from the Brooklyn Ferry Company in response to a resolution of the Assembly; which was laid on the table and ordered printed.

(See *Doc. No. 41*.)

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act to amend an act entitled 'An act to amend an act to incorporate the savings bank of the city of Utica,' passed April 26, 1839, passed April 11, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act to authorize the Cazenovia and De Ruyter Railroad Company to take increased fare on their road," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to authorize Dodge and Stevenson Manufacturing Company to issue preferred stock," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trade and manufactures.

A message from the Senate was received and read, informing of concurrence in the passage of the following entitled bill, without amendment:

"An act to authorize the board of education of district No. 9, in the town of Perinton, to construct a school building, and to provide means for payment thereof."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Senate returned the Senate bill entitled "An act to amend an act entitled 'An act to incorporate the Manhattan Dispensary of the city of New York,' passed May 6, 1870," with a message that they had concurred in the amendment thereto by the Assembly, in adding to the title thereof the words "and authorizing a change of the name thereof."

*Ordered*, That the Clerk return said bill to the Senate.

Messrs. Yeomans and Wells presented two remonstrances of the board of supervisors of Wayne county, against increasing the salaries of county judge and surrogate; which were read and referred to the committee on the judiciary.

Messrs. G. D. Lord, Knapp, Kennedy and Murdock, severally, presented remonstrances of citizens of different parts of the State, against legislative interference with the management of the Erie railway; which were read and referred to the committee on railroads.

Mr. Kennedy presented a petition for increase of Literature Fund; which was read and referred to the committee on ways and means.

Mr. Tobey presented a petition from Essex county to repeal chapter 495 of the Laws of 1871, for the establishment of a ferry across Lake Champlain, at Barber's Point; which was read and referred to the committee on commerce and navigation.

Mr. Moseley presented a petition of Thomas O'Brien, for the passage of an act for his relief; which was read and referred to the committee on the affairs of cities.

Mr. Shepardson presented a petition from Green, Chenango county, asking for a swing bridge over the Chenango canal in said village; which was read and referred to the committee on canals.

Mr. Whitbeck presented a petition of Benjamin F. Rayner and 100 others, owners of real estate in the city of New York, praying for the passage of the bill for the exemption of bonds and mortgages from taxation; which was read and referred to the committee on ways and means.

Also, a petition for relief of the New York Elevated Railroad Company; which was read and referred to the committee on railroads.

Messrs. Husted and Prince presented two petitions of citizens of different portions of the State, for an amendment to the Military Code; which were read and referred to the committee on the militia.

Mr. White, from the committee on railroads, to which was referred the Senate bill entitled "An act extending the provisions of certain laws, permitting municipal corporations to aid in the construction of railroads, to the towns of Salina and Clay and the village of Liverpool, in the county of Onondaga," reported in favor of the passage of the same with amendments, and the title amended so as to read "An act extending the provisions of certain laws, permitting municipal corporations to aid in the construction of railroads, to the towns of Salina, Lysander, Van Buren and Clay and the villages of Baldwinsville, and Liverpool, in the county of Onondaga," which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act for the protection of livery stable keepers and keepers of horses at riding academies," reported in favor of the passage



of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to incorporate the Trenor Coterie of the city of Brooklyn," reported adversely thereto.

The question being on agreeing to said report,

On motion of Mr. Mosely, said report was laid on the table.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the descent of real estate to female citizens of the United States and their descendants, notwithstanding their marriage with aliens," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the Senate bill entitled "An act in relation to witnesses in criminal cases," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the Senate bill entitled "An act to relieve juvenile delinquents from certain disqualifications," reported in favor of the passage of the same with amendments; which report was agreed to and said bill committed to the committee of the whole.

The order of business of third reading of bills being announced,

On motion of Mr. Alvord, said order of business was laid on the table.

Mr. Simson introduced a bill entitled "An act in relation to the filing of certain claims of Nicholas Shaub, Charles Shultz, William Hillman, John Kretzel, Christian Diedrich, Jacob Nagle, George Goodnough, Betts and Ayer, Joseph Hermon, John Kippert, Frederick Rodens, Charles Diedrich jun., Frederick Diedrich, John Rahberg, Theodore Hartlaben, John Henning, John Brensing, Charles Diedrich, Sen., Joseph Bliss and Thomas J. Collins," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

Mr. Alvord introduced a bill entitled "An act to amend chapter 346, of the Laws of 1859, entitled 'An act concerning the salt springs, and the manufacture of salt,' passed April 15, 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the manufacture of salt.

Mr. Shepardson introduced a bill entitled "An act to authorize the Canal Commissioners to construct a bridge over the Chenango canal in the village of Greene in Chenango county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Squires introduced a bill entitled "An act to authorize the clerk of Cortland county to change the indexing of lands conveyed upon mortgage foreclosure sales, from mortgage index books to deed index book," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Mosely introduced a bill entitled "An act for the relief of Thomas O'Brien," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. D. L. Babcock introduced a bill entitled "An act to amend an act entitled 'An act to incorporate St. Agnes cemetery,' passed May 9, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Beckwith offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the petition and claim of Dolly Johnson, an Oneida Indian, to be reimbursed her expenses in procuring the patent of her land unjustly and alleged illegally issued by this State to William Hamilton, to be vacated, be referred to the Attorney-General to determine and report the same to the committee of ways and means.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. I. D. Brown called from the table the resolution previously offered by him, in the words following:

Concurrent resolutions proposing an amendment to the Constitution, relative to appropriations and taxation:

*Resolved* (if the Senate concur), That section 8 of article 7 of the Constitution of this State be amended so as to read as follows:

§ 8. No moneys shall ever be paid out of the treasury of this State, or any of its funds or any of the funds under its management, except in pursuance of an appropriation by law, nor unless such payment be made within two years next after the passage of such appropriation act; and every such law making a new appropriation or continuing or reviving an appropriation, shall distinctly specify the sum appropriated and the object to which it is to be applied, and it shall not be sufficient for such law to refer to any other law to fix such sum; and no gift, loan or appropriation of public money or property shall be authorized or made by the Legislature, or by the corporate authorities of any county, city, town, or other municipal organization, to, or in favor or aid of any institution, association or object, which is under ecclesiastical or sectarian management or control.

*Resolved* (if the Senate concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity to section one of article thirteen of the Constitution, it be published for three months previous to the time of such election.

Mr. I. D. Brown moved that said resolution be printed and made a special order for Tuesday evening next at 8 o'clock.

Mr. Alvord moved to amend by striking out all after the word "resolution" and inserting "be referred to the committee on ways and means."

Mr. Speaker put the question whether the House would agree to said motion of Mr. Alvord, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said resolution, as amended, and it was determined in the affirmative.

Said resolution was referred to the committee on ways and means.

Mr. Husted offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That 500 copies of the Clerk's Manual be printed, under the direction of the Clerk, with the amended joint Senate and Assembly rules therein, for the use of the Assembly.

*Ordered*, That said resolution be referred to the committee on expenditures of the House.



By unanimous consent, Mr. G. D. Lord introduced a bill entitled "An act to authorize the city of Rochester to subscribe for stock of the Lake Ontario Shore Railroad Company, from the proceeds of the sale of the Rochester and Genesee Valley railroad stock owned by the city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Prince called for the consideration of a resolution previously offered by him in the words following:

*Resolved*, That the judiciary committee be instructed to enquire what reforms, if any, can be made in the methods of Legislation in this State, and report by bill or otherwise.

Debate was had thereon, when

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

The House then resolved itself into a committee of the whole on the bills entitled as follows:

"An act in relation to superintendents of the poor."

"An act to authorize the Canal Appraisers to hear and determine the claim of John Tyrrell and James Tyrrell, for the loss of their canal-boat Barney Bird, of Verona Landing, occasioned by the break in the Erie canal, at or near Fairport, in the spring of 1871, and to award damages for the same."

"An act to provide for the joint purchase of a steam fire-engine in the villages of Tonawanda, Erie county, and North Tonawanda, Niagara county, and for the more effectual protection of said villages against fires."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Niles, from said committee, reported in favor of the passage of said first mentioned bill; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Niles, from said committee, also reported progress on said second mentioned bill, and asked and obtained leave to sit again.

Mr. Niles, from said committee, also reported progress on said third mentioned bill, and asked leave to sit again.

The question being on granting leave,

Mr. Alberger moved to disagree with said report, and that said bill be recommitted to the committee on the affairs of villages, retaining its place on general orders.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Niles moved that the bill entitled "An act to repeal chapter 247 of the Laws of 1868, entitled 'An act to incorporate the Metropolitan Boat Club of the city of New York,'" be recommitted to the committee on the affairs of cities.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

On motion of Mr. Whitbeck, said bill was ordered to retain its place on general orders.

On motion of Mr. Lincoln, and by unanimous consent, the bill entitled "An act to renew an act passed May 9, 1868, entitled 'An act to amend section 3 of chapter 817, of the Laws of 1866, entitled 'An act to lay out and construct a road from the river road in township No. 14, in the town of Johnsburgh, to the Carthage road, near the head of Long lake, in the county of Hamilton,'" was ordered considered in the next committee of the whole.



On motion of Mr. Goss, and by unanimous consent, the bill entitled "An act to amend an act entitled 'An act to facilitate the forming of agricultural and horticultural societies,' passed April 13, 1855," was ordered considered in the next committee of the whole.

On motion of Mr. Hawkins, and by unanimous consent, the bill entitled "An act to repeal section one of an act to amend an act entitled 'An act to reorganize the local government of the city of New York,' passed April 18, 1871," was ordered considered in the next committee of the whole.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to amend an act entitled 'An act to facilitate the forming of agricultural and horticultural societies,' passed April 13, 1855."

"An act to repeal section one of an act to amend an act entitled 'An act to reorganize the local government of the city of New York,' passed April 18, 1871."

"An act to renew an act passed May 9, 1868, entitled 'An act to amend section 3 of chapter 817 of the Laws of 1866, entitled An act to lay out and construct a road from the river road in township No. 14, in the town of Johnsburgh, to the Carthage road, near the head of Long lake, in the county of Hamilton.'"

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Tobey, from said committee, reported in favor of the passage of said first and third mentioned bills, the first mentioned with amendments, and the third mentioned with an amendment; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Tobey, from said committee, also reported progress on said second mentioned bill, and asked and obtained leave to sit again.

The House again resolved itself into a committee of the whole on the Senate bills entitled as follows:

"An act relative to lands in the city of Brooklyn, county of Kings, devised in and by the last will and testament of Leffert Lefferts, deceased, to Elizabeth Dorothea Brevoort, for and during her natural life."

"An act for the relief of Cornelia Townsend."

"An act to amend an act entitled 'An act in relation to the fees of sheriffs, except in the counties of New York, Kings and Westchester,' passed April 12, 1871."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. D. B. Hill, from said committee, reported in favor of the passage of said bills; which report was agreed to, and said bills ordered to a third reading.

By unanimous consent,

Mr. Yeomans, from the committee on agriculture, to which was referred the Senate bill entitled "An act legalizing the conveyance of the fair grounds of the Cattaraugus County Agricultural Society," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Leave of absence was granted to Mr. Niles until Wednesday.

On motion of Mr. Moseley, at 1 o'clock and 40 minutes, the House adjourned.

MONDAY, FEBRUARY 5, 1872—7½, P. M.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Birkenthal.

The journal of Saturday was read and approved.

Mr. Smyth, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

“An act in relation to superintendents of the poor.”

“An act to amend an act entitled ‘An act to facilitate the forming of agricultural and horticultural societies,’ passed April 13, 1855.”

“An act to renew an act passed May 9, 1868, entitled ‘An act to amend section 3 of chapter 817 of the Laws of 1866, entitled An act to lay out and construct a road from the river road in township No. 14, in the town of Johnsburgh, to the Carthage road, near the head of Long lake, in the county of Hamilton.’”

Messrs. G. P. Lord, Burritt, Goss, G. D. Lord, Murdock, Knapp, Davidson and Crandall, severally, presented remonstrances from various parts of the State against legislative interference with the management of the Erie Railway Company ; which were read and referred to the committee on railroads.

Mr. Speaker presented a memorial of the chamber of commerce to the Legislature of the State of New York ; which was read and referred to the committee on commerce and navigation.

Messrs. Berri, Morton, Jacobs, Bennett, Cook and Oakley, severally, presented petitions for reduced rates of ferriage between Brooklyn, E. D., and the city of New York ; which was read and referred to the committee on commerce and navigation.

The order of business of third reading of bills being announced,

On motion of Mr. Alvord, and by unanimous consent, said order of business was laid aside.

Mr. Fowler introduced a bill entitled “An act to amend chapter 39 of the Laws of 1867, entitled ‘An act to amend an act entitled An act to incorporate the city of Elmira,’ passed April 7, 1864, and the acts amendatory thereof,’ passed February 16, 1867,” which was read the first time, and by unanimous consent, was also read the second time, and referred to the committee on the affairs of cities.

Mr. Alvord introduced a bill entitled “An act to repeal an act entitled ‘An act in relation to the inspection of steam-boilers in the State of New York, except in the Metropolitan police district,’ passed June 22, 1867, and all acts amendatory thereof,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trade and manufactures.

Mr. Mackay introduced a bill entitled “An act relating to the new court-house in the county of New York,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Bemus introduced a bill entitled “An act to amend an act entitled ‘An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,’ passed April 26th, 1871,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act for the relief of Rosa Abba Boughton and Addie E. Boughton," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

Mr. I. D. Brown introduced a bill entitled "An act to repeal 'An act regulating the sale of intoxicating liquors,' passed April 11, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Aitkin introduced a bill entitled "An act to amend the charter of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Bennett introduced a bill entitled "An act to amend, as to the county of Kings, an act entitled "An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Badeau introduced a bill entitled "An act to amend an act passed May 10, 1870, entitled 'An act to amend an act entitled An act to provide for the incorporation of villages, passed December 7, 1847, and the several acts amendatory thereof, so far as the same relate to the village of Mt. Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Also, a bill entitled "An act to amend an act entitled 'An act to amend the charter of the village of New Rochelle, in the county of Westchester,' passed April 20, 1864," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Morton introduced a bill entitled "An act to amend chapter 80 of the Laws of 1870, entitled 'An act to provide for the enrollment of the militia for the organization of the National Guard of the State of New York and for the public defence, and entitled the Military Code," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the militia.

Mr. D. L. Babcock introduced a bill entitled "An act to amend title 12 of the charter of the city of Albany, entitled the Police Department, passed March 16, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to provide for the appointment of a State reporter to report the decisions of the court of appeals and also a reporter of the decisions of the supreme court, and to provide for the publication of the reports of the court of appeals and of the supreme court," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Preston introduced a bill entitled "An act to amend an act entitled 'An act to authorize the village of Dunkirk to issue bonds for the purpose of supplying said village with water, and to create a board of water commissioners,' passed April 13, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.



Mr. Fort introduced a bill entitled "An act ceding jurisdiction to the United States over certain lands in the counties of Niagara and Erie that may be occupied for the construction and maintenance of a ship canal around the Falls of Niagara," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Abbott introduced a bill entitled "An act to incorporate the Port Jervis Mænnerchor, of the village of Port Jervis, Orange county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Tucker introduced a bill entitled "An act to amend an act entitled 'An act to amend an act for the publication of the Session Laws in two newspapers in each county of this State,' passed May 14, 1845, passed April 14, 1870, being chapter 215, Laws of 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Lincoln introduced a bill entitled "An act in relation to the village of Canandaigua, and to provide a police justice and police constables in said village, and defining their jurisdiction, powers and duties," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Fort offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That a select committee of seven be appointed by this House to apportion and divide this State into Congressional districts, under the census of 1870.

Said resolution giving rise to debate,

*Ordered*, That the same be laid on the table.

Mr. Smyth offered for the consideration of the House a preamble and resolution, in the words following, to wit:

*Whereas*, The communication of the 31st of January last, from the Governor, does not fully answer the resolution of inquiry adopted by this House the day before, relating to the alteration of bills after they had been duly certified as having passed both Houses of the Legislature, and before they were signed by the Governor; and whereas, the information given is not sufficiently definite and specific to be useful for the purpose for which the inquiry was made; therefore,

*Resolved*, That the committee on engrossed bills make inquiry and investigation concerning the matters referred to in the preamble and resolution above referred, and report the same to this House with such bill or recommendation as it shall think proper, and that such committee may report at any time.

Said resolution giving rise to debate,

*Ordered*, That the same be laid on the table.

On motion of Mr. Bennett,

*Whereas*, The report made by the New York and Brooklyn Ferry Company, in answer to a resolution of the Assembly, is meagre and unsatisfactory, therefore

*Resolved*, That the committee on commerce and navigation be and are hereby authorized to make such examination of the affairs of said company, as they may deem necessary for the public interests, with power to send for persons and papers.

On motion of Mr. Judd,

*Resolved*, That the committee of commerce and navigation be and are hereby authorized and directed to investigate all the affairs of the commissioners of emigration including transportation of emigrants and effects, amount of moneys received and from what sources, amount of expenditures and for what purposes, assets and liabilities, management of Ward's Island, to the end that this House may have full data upon which to base further legislation.

On motion of Mr. Smiley,

*Resolved*, That the committee on public printing, in addition to their powers to investigate the charges in relation to the State printing, be authorized and empowered to examine into and investigate the purchases made for this, or any previous Legislature of this State, of stationery, etc., procured under direction of the clerks of the Senate and Assembly, by authority of those bodies, and ascertain whether the prices paid are exorbitant or otherwise, with a view to learn if percentages have been allowed persons possessing power to make such purchases. Said committee is hereby authorized to send for persons and papers necessary for such examinations and investigations.

Mr. D. L. Babcock offered for the consideration of the House a resolution, in the words following, to wit:

*Whereas*, The Albany Hospital is an institution incorporated and chartered by the State, solely for charitable purposes; and

*Whereas*, The said hospital has received from the State thousands of dollars annually appropriated for charitable purposes; and

*Whereas*, It is alleged that the funds of this charitable institution have been used for the benefit and accommodation of private patients of surgeons and physicians connected with the hospital, whereby such surgeons and physicians have received large sums of money for professional services rendered in the hospital; and

*Whereas*, The receiving of money from patients, privately, by medical or other officers of the institution is contrary to the purpose of its organization and continuance as well as in the violation of the by-laws, and has had the effect, as it is alleged, to produce improper discrimination prejudicial to the comfort and welfare of the poor for whom the hospital exists; and

*Whereas*, It is alleged that the sum of four thousand dollars, appropriated by the Legislature of the State to aid an incorporated institution, called the Albany Charitable Eye and Ear Infirmary, upon condition that the sum of ten thousand dollars be raised from other sources, was unwarrantably drawn from the State treasury by the president of the board of governors of the Albany Hospital, and passed to the treasury of the Albany Hospital, although said hospital has not and never has had any relation whatsoever with the infirmary aforesaid for benefit of which the said sum of four thousand dollars was appropriated, and although from no source whatsoever had the required sum of ten thousand dollars been raised; and

*Whereas*, The medical and other supplies of the hospital are alleged to have been purchased for years from a governor of the hospital in violation of a prohibition in the by-laws; and

*Whereas*, The regular meetings of the governors required by the charter and by-laws of the hospital have not been held, as it is alleged, and other meetings have been held without notification being given to all members of the board of governors as required by law; and



*Whereas*, It is alleged that sundry persons convening and acting as members of the board of governors at meetings called at the private office of the president were not, *de jure*, governors at all, since some of them were never benefactors or members of the hospital, and the contributions made by others were not sufficient in amount to entitle them to continued membership in the corporation after a definite period specified in the by-laws, which period had expired; and

*Whereas*, It is alleged that at meetings called as aforesaid at the president's private office, without due notification being given to all legitimate members of the board, some of the governors with sundry persons acting illegally in the capacity of governors declared, in violation of provisions contained in the by-laws, several medical officers of the hospital to be deposed and appointed substitutes to act in their place and stead, whereby the usefulness of the hospital was impaired and its reputation hurt, and whereby an ill feeling was created in the community in which a conviction had spread that the governors of the hospital had shown themselves less zealous to secure the best medical talent and skill for the poor than to compass ends of doubtful propriety while managing the institution in the interests of personal favoritism and pecuniary profit; and

*Whereas*, It is alleged that the governors of the Albany Hospital assumed the prerogatives of a close corporation, and persistently neglected to hold annual elections for fifteen governors, as required by the charter, but instead thereof perpetuated their power for more than ten years by continuing themselves in office and filling vacancies in the board to suit themselves; and

*Whereas*, It is alleged that it became necessary at last for the supreme court to issue a writ of mandamus to compel an election to be held in default of the election which should have been regularly on the first Monday in August, 1871, but which election, required by the charter of the hospital and provided for in the by-laws of the same, the governors, disregarding the law and their duty, neglected to hold; and

*Whereas*, It is alleged that after strenuous opposition to the issuing of said writ of mandamus, the governors did, when compelled to hold an election, appoint, in violation of the by-laws, three persons who were not members of the corporation as inspectors of the election, and these inspectors did, at the time of the election, receive and accept the ballots of some person or persons who, many years prior, had subscribed contributions to the hospital, but whose paper contributions had subsequently become bankrupt, outlawed and worthless, while not a cent of principal or interest had at any time been paid thereon; and they, the said inspectors, did receive and accept the ballots of other parties whose membership, according to the provisions of the by-laws, had expired; and the said inspectors did receive and accept from the president of the board of governors ballots in favor of himself, the said president, and his associates, authorized to be cast by proxy of persons declared by him to be contributors to the fund of the hospital, but who were not known to the treasurer as contributors, and for that reason possessing, according to the express terms of the by-laws, no right whatsoever to cast a vote; and they, the said inspectors, did, moreover, receive and accept the ballots of other parties, who were not known to be members of the corporation, except by their own declaration and the affirmation of an individual who had no right to a voice during the proceedings, since his sole connection



with the hospital was, properly, only in the capacity of a medical officer; and when the vote was canvassed they, the said inspectors, did declare the old board or substantially the old board of governors to be elected; now, therefore,

*Resolved*, That the board of governors of the Albany Hospital be directed to present to this House, within fifteen days, a complete and detailed finance report for each year separately since the organization of the hospital; said report to be drawn from the books and records of the hospital, and otherwise, and to set forth the amount of all moneys, material or other value received by the institution, from whom received, and the date when received, whether in money, material, labor or otherwise.

Also, that said board present a full and detailed statement of all moneys expended and paid out each year separately, giving the name of each person to whom paid, with the date of each payment, and the nature of the demand or claim for which each and every payment was made.

Also, a full and detailed statement of the nature and amount and dates of all and several the liabilities and debts of the hospital, with the names of the persons to whom such liabilities are due and payable.

Also, a full and explicit statement of all valid obligations, bills receivable, debts, accounts or other value, due or to become due to the hospital.

Also, a full and complete statement setting forth the number of private patients treated by each physician and surgeon since the organization of the hospital, the date of each private patient's admission, and the length of time each remained in the institution, the amount of money each such patient paid to the hospital, with the aggregate of such amounts for each year, and the amount of money paid to the attending physician or surgeon by each private patient, either in the nature of professional fees or otherwise, with the name of each physician or surgeon who has accepted payment or fees or gratuities for services rendered in the hospital, and the aggregate sums received each year by each physician or surgeon.

Also, the number of charity patients from whom no pay for medical treatment has been received, either by the hospital or by the medical attendants, directly or indirectly, with the name of each such patient, the date of admission, duration of treatment, and time of discharge of each.

Also, the number of persons, with the names of each, who have lodged and fed at the hospital, but who were not received as patients and were not regularly appointed officers or employes of the institution, the date of the admission of each such person into the hospital, and of departure therefrom, with the duration of residence therein, the amount of money paid by each such person and the aggregate amount paid by all such persons for each year.

Also, a full and explicit statement of the disposition made of the sum of four thousand dollars drawn by the president of the board of governors from the State treasury, which sum was appropriated by the Legislature for the benefit of the Albany Charitable Eye and Ear Infirmary, setting forth in what manner the sum of ten thousand dollars was contributed to the said infirmary by the Albany Hospital, or by any other person whatsoever, so as to entitle the said infirmary, or its representative, to the said sum of four thousand dollars by having complied

with the conditions imposed by the Legislature in raising ten thousand dollars from other sources, before the appropriation should be claimed; and also making appear by what legal action the Albany Hospital acquired the rights and privileges of another and distinct corporation, and justified the president in obtaining and the governors of the hospital in keeping and using money which the Legislature did not contemplate should pass into the treasury of the hospital, which had the benefit of a distinct appropriation the same year.

*Resolved*, That a copy of the foregoing preamble and resolutions be served on the president of the board of governors of the Albany Hospital by the Clerk of this House.

Said resolution giving rise to debate,

*Ordered*, That the same be laid on the table.

Mr. Tucker offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the committee on railroads be discharged from the further consideration of the Assembly bill (introductory No. 330), entitled "An act to repeal the Erie Directors Classification act," and that the same be committed to the committee of the whole House.

Said resolution giving rise to debate,

*Ordered*, That the same be laid on the table.

Mr. Moulton called for the consideration of the resolution heretofore offered by him, in the words following, to wit:

*Whereas*, It is alleged that in the past there has been fraud and corruption in the elections, so that the free and expressed choice of the electors of the State has not been ascertained thereat; and that improper influences and appliances have been and are used with legislators;

*And whereas*, It is of vital importance to the State that such evils, if they have existed or do exist, should be developed, to the end that those who have perpetrated such wrongs should be punished, and that such legislation shall be had as will prevent a recurrence of these evils; therefore,

*Resolved*, That it be referred to a select committee of five to make investigations concerning these matters, that such committee have power to report, from time to time, by bill or otherwise as it shall think proper, and that it shall have power to send for persons and papers.

Mr. Alvord moved to strike out the words "a select committee of five" and insert the words "the committee on privileges and elections."

Mr. Speaker put the question whether the House would agree to said motion of Mr. Alvord, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said resolution, as amended, and it was determined in the affirmative.

The Senate returned the concurrent resolution recalling from the Governor the Assembly bill entitled "An act to extend the provisions of chapter 113 of the Laws of the year 1853, entitled 'An act declaring Indian river a public highway,'" with a message that they had passed the same without amendment.

*Ordered*, That the Clerk deliver said bill to the Governor.

The House then resolved itself into a committee of the whole on the bills entitled as follows:

"An act to repeal section 1 of an act to amend an act entitled 'An act to reorganize the local government of the city of New York,' passed April 18, 1871."

"An act to establish a court of special sessions in and for the city of Albany, and to confer further judicial powers upon the recorder of said city."

"An act to incorporate the New Rochelle Mænnorchor."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Smiley, from said committee, reported in favor of the passage of said first and third mentioned bills, the first mentioned with an amendment; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Smiley, from said committee, also reported progress on said second mentioned bill, and asked and obtained leave to sit again.

Mr. Alvord offered the following privileged resolution:

*Whereas*, This Assembly has learned with pain that Hon. William M. Ely is lying dangerously ill at his home in Binghamton.

*Resolved*, That Mr. Ely has the profound sympathy of this House, and its most earnest hopes for his speedy recovery; and that his fellow members who have known him during his long period of service on this floor, hereby renew the expression of their high esteem for one whose personal friendship was so dear to them.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to incorporate the Little Falls Water-works Company."

"An act to extend the time for organizing the Niagara Water-works Company."

"Concurrent resolutions relative to the adoption of the fifteenth amendment to the Federal Constitution."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Sniper, from said committee, reported in favor of the passage of said first and second mentioned bills; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Sniper, from said committee, also reported progress on said concurrent resolutions, and asked and obtained leave to sit again.

On motion of Mr. Bemus, at 9 o'clock and 30 minutes, the House adjourned.

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## TUESDAY, FEBRUARY 6, 1872.

The House met pursuant to adjournment.

Mr. Alvord in the chair.

Prayer by Rev. Mr. Birkenthal.

The journal of yesterday was read and approved.

A message from the Senate was received and read, in the words following, to wit:

*Resolved* (if the Assembly concur), That our Senators and Representatives in Congress from this State, be requested to endeavor to secure such legislation as shall establish Albany as a port of entry.



*Resolved* (if the Assembly concur), That His Excellency, the Governor, be requested to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress from this State.

By unanimous consent,

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing that the Assembly have passed the same.

The Senate returned the bill entitled as follows:

"An act to incorporate the Lockport Driving Park Association."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Smyth, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to repeal section 1 of an act to amend an act entitled 'An act to reorganize the local government of the city of New York,' passed April 18, 1871."

"An act to incorporate the New Rochelle Mænnerchor."

"An act to extend the time for organizing the Niagara Water-works Company."

Mr. Speaker presented a communication from the Governor, transmitting the annual report of the trustees of the Cooper Union for the advancement of Science and Art; which was laid on the table and ordered printed.

(See Senate Doc. No. 25.)

On motion of Mr. G. P. Lord, and by unanimous consent,

*Resolved*, That the petitions for an increase of the Literature Fund be taken from the committee of ways and means, and referred, for present consideration, to the committee on public education.

Pursuant to the ninth joint rule, Mr. Speaker announced the order of business third reading of bills.

The bill entitled "An act to authorize the trustees of Unadilla Academy to sell and convey the property of that corporation, and to dispose of the proceeds of sale," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Flammer     | Hollister  | Moore      | Smiley          |
| Alvord        | Foley       | Houghton   | Morton     | Smith           |
| D. L. Babcock | Fort        | Hungerford | Mosher     | Smyth           |
| Badeau        | Fowler      | Husted     | Moulton    | Swain           |
| Bemus         | Geib        | Hyatt      | Murdock    | Tilden          |
| Berri         | Goring      | Jacobs     | Oakley     | Tucker          |
| E. E. Brown   | Goss        | Judd       | Paige      | Twombly         |
| I. D. Brown   | Green       | Kingsland  | Peck       | A. L. Van Dusen |
| Buckley       | Greenhalgh  | Knapp      | Preston    | W. J. Van Dusen |
| Buell         | Gregory     | Knettles   | Prince     | Wells           |
| Burns         | Griffin     | Lincoln    | Ray        | West            |
| Couchman      | Hawkins     | Lippitt    | Rice       | Whitbeck        |
| Crandall      | A. L. Hayes | G. P. Lord | Roche      | White           |
| Davidson      | Herrick     | Lott       | Rose       | Woodward        |
| Dykeman       | A. Hill     | Lynde      | Shepardson | Woolsey         |
| Enos          | Holdridge   | Mackay     | Simson     | Yeomans         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Husted rose to a question of privilege, and addressed the House thereon, and, in closing, demanded an investigation and called for a committee of investigation.

On motion of Mr. Bennett,

*Resolved*, That the allegations against Hon. James W. Husted, in relation to the sale of gravel, be referred to the committee on ways and means of this House to investigate, and that said committee have power to send for persons and papers.

The Senate bill entitled "An act for the protection of tax-payers against the frauds, embezzlements, and wrongful acts of public officers and agents," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alvord        | Eastman     | Herrick    | Moore      | Smith           |
| D. L. Babcock | Enos        | A. Hill    | Morton     | Smyth           |
| Badeau        | Flammer     | Holdridge  | Mosher     | Snyder          |
| Bemus         | Foley       | Hollister  | Murdock    | Swain           |
| Bennett       | Fort        | Houghton   | Paige      | Tilden          |
| E. E. Brown   | Fowler      | Hungerford | Peck       | Tucker          |
| I. D. Brown   | Geib        | Hyatt      | Preston    | Twombly         |
| Buckley       | Goring      | Kingsland  | Ray        | A. L. Van Dusen |
| Burns         | Goss        | Knapp      | Rice       | W. J. Van Dusen |
| Burritt       | Green       | Knottles   | Roche      | Wells           |
| Campbell      | Greenhalgh  | Lincoln    | Rose       | Whitbeck        |
| Cook          | Gregory     | Lippitt    | Sage       | White           |
| Couchman      | Griffin     | G. P. Lord | Shepardson | Woodward        |
| Crandall      | Haughton    | Lott       | Simson     | Woolsey         |
| Davidson      | Hawkins     | Lynde      | Smiley     | Yeomans         |
| Dykeman       | A. L. Hayes | Mackay     |            |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

By unanimous consent Mr. Lincoln introduced a bill entitled "An act to amend an act entitled 'An act authorizing the town of Naples to raise eight thousand dollars by tax to build a town and soldier's memorial hall,' passed April 16, 1869," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Lincoln, and by unanimous consent, said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |         |           |        |        |
|---------------|---------|-----------|--------|--------|
| Alvord        | Dykeman | Holdridge | Moore  | Smiley |
| D. L. Babcock | Eastman | Hollister | Morton | Smyth  |
| Badeau        | Flammer | Haughton  | Mosher | Sniper |

|             |          |            |            |                 |
|-------------|----------|------------|------------|-----------------|
| Bemus       | Foley    | Hungerford | Moulton    | Swain           |
| Bennett     | Fort     | Hyatt      | Murdock    | Tilden          |
| Blair       | Fowler   | Jacobs     | Paige      | D. Tomkins      |
| E. E. Brown | Geib     | Judd       | Peck       | M. M. Tompkins  |
| I. D. Brown | Goring   | Kingsland  | Preston    | Twombly         |
| Buckley     | Goss     | Knapp      | Prince     | A. L. Van Dusen |
| Buell       | Green    | Knettles   | Ray        | W. J. Van Dusen |
| Burns       | Gregory  | Lincoln    | Rice       | Wells           |
| Burritt     | Griffin  | Lippitt    | Roche      | West            |
| Carroll     | Hart     | G. D. Lord | Rose       | White           |
| Cook        | Haughton | G. P. Lord | Sage       | Woodward        |
| Couchman    | Hawkins  | Lott       | Shepardson | Woolsey         |
| Crandall    | Herrick  | Lynde      | Simson     | Yeomans         |
| Davidson    | A. Hill  | Mackay     |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

By unanimous consent, Mr. Buel introduced a bill entitled "An act to authorize the trustees of the M. E. Church of Northville to convey real estate," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Buell, and by unanimous consent, said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

} AYES—82 }  
} NOES—00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Alvord        | Eastman    | Holdridge  | Moore      | Smith           |
| D. L. Babcock | Enos       | Hollister  | Morton     | Smyth           |
| Badeau        | Flammer    | Houghton   | Mosher     | Sniper          |
| Bemus         | Foley      | Hungerford | Moulton    | Snyder          |
| Berri         | Fort       | Hyatt      | Murdock    | Swain           |
| Blair         | Fowler     | Jacobs     | Paige      | Tilden          |
| E. E. Brown   | Geib       | Judd       | Peck       | D. Tomkins      |
| Buckley       | Goring     | Kingsland  | Preston    | M. M. Tompkins  |
| Buell         | Goss       | Knettles   | Ray        | Twombly         |
| Burns         | Green      | Lincoln    | Rice       | A. L. Van Dusen |
| Burritt       | Greenhalgh | Lippitt    | Roche      | W. J. Van Dusen |
| Campbell      | Gregory    | G. D. Lord | Rose       | Wells           |
| Cook          | Griffin    | G. P. Lord | Sage       | West            |
| Couchman      | Hart       | Lott       | Shepardson | White           |
| Crandall      | Hawkins    | Lynde      | Simson     | Woodward        |
| Davidson      | Herrick    | Mackay     | Smiley     | Woolsey         |
| Dykeman       | A. Hill    |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

By unanimous consent, Mr. Houghton introduced a bill entitled an act entitled "An act for the completion and furnishing of the town hall at Saratoga Springs," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

The bill entitled "An act to authorize the Harlem and New York Navigation Company to issue bonds and mortgage its real estate to secure the payment of the same," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a



majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Crandall   | Herrick    | Mackay     | Sniper          |
| Alvord        | Davidson   | A. Hill    | Moore      | Snyder          |
| D. L. Babcock | Dykeman    | Holdridge  | Morton     | Swain           |
| Badeau        | Eastman    | Hollister  | Moulton    | Tilden          |
| Bennett       | Enos       | Houghton   | Murdock    | D. Tomkins      |
| Berri         | Flammer    | Hungerford | Osgood     | M. M. Tompkins  |
| Blair         | Fort       | Hyatt      | Peck       | Twombly         |
| E. E. Brown   | Fowler     | Jacobs     | Ray        | A. L. Van Dusen |
| I. D. Brown   | Geib       | Judd       | Rice       | W. J. Van Dusen |
| Buckley       | Goring     | Kingsland  | Roche      | Wells           |
| Buell         | Goss       | Knapp      | Rose       | West            |
| Burns         | Green      | Knettles   | Sage       | White           |
| Burritt       | Greenhalgh | Lincoln    | Shepardson | Woodward        |
| Campbell      | Gregory    | G. D. Lord | Simson     | Woolsey         |
| Cook          | Griffin    | G. P. Lord | Smiley     | Yeomans         |
| Couchman      | Hart       | Lott       | Smyth      |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act passed April 19, 1871, entitled 'An act to amend an act entitled An act to authorize the formation of railroad corporations and to regulate the same,' passed April 2, 1850," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Alvord        | Davidson   | A. Hill    | Morton     | Smyth           |
| D. L. Babcock | Dykeman    | Holdridge  | Mosher     | Sniper          |
| Badeau        | Eastman    | Houghton   | Moulton    | Snyder          |
| Bemus         | Enos       | Hungerford | Murdock    | Swain           |
| Bennett       | Flammer    | Hyatt      | Osgood     | Tilden          |
| Berri         | Fort       | Jacobs     | Paige      | D. Tomkins      |
| Blair         | Fowler     | Kingsland  | Peck       | M. M. Tompkins  |
| E. E. Brown   | Geib       | Knapp      | Preston    | Tucker          |
| I. D. Brown   | Goring     | Knettles   | Ray        | Twombly         |
| Buckley       | Goss       | Lincoln    | Rice       | A. L. Van Dusen |
| Buell         | Green      | Lippitt    | Roche      | W. J. Van Dusen |
| Burns         | Greenhalgh | G. D. Lord | Rose       | Wells           |
| Burritt       | Griffin    | G. P. Lord | Sage       | White           |
| Campbell      | Hart       | Lott       | Shepardson | Woodward        |
| Cook          | Haughton   | Lynde      | Simson     | Woolsey         |
| Couchman      | Hawkins    | Mackay     | Smiley     | Yeomans         |
| Crandall      | Herrick    | Moore      | Smith      |                 |

For the negative

Abbott

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. G. D. Lord presented the report of the officers of the Western House of Refuge for Juvenile Delinquents; which was ordered printed and referred to the committee on ways and means.

(See Doc. No. 44.)

The Senate bill entitled "An act to change the name of the Mutual Protection Life Assurance Society, and provide for an increase of its capital," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 75 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Abbott        | Davidson   | A. Hill    | Moore   | Smith           |
| Alvord        | Dykeman    | Holdridge  | Morton  | Smyth           |
| D. L. Babcock | Enos       | Houghton   | Mosher  | Sniper          |
| Badeau        | Flammer    | Hungerford | Moulton | Swain           |
| Bemus         | Fort       | Hyatt      | Murdock | Tilden          |
| Bennett       | Fowler     | Jacobs     | Osgood  | D. Tomkins      |
| Blair         | Geib       | Kingsland  | Peck    | M. M. Tompkins  |
| E. E. Brown   | Goring     | Knapp      | Preston | Tucker          |
| I. D. Brown   | Goss       | Knettles   | Prince  | Twombly         |
| Buell         | Green      | Lincoln    | Ray     | W. J. Van Dusen |
| Burns         | Greenhalgh | Lippitt    | Rice    | Wells           |
| Burritt       | Griffin    | G. D. Lord | Rose    | West            |
| Campbell      | Hart       | G. P. Lord | Sage    | White           |
| Couchman      | Hawkins    | Lott       | Simson  | Woolsey         |
| Crandall      | Herrick    | Mackay     | Smiley  | Yeomans         |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to amend an act entitled 'An act to amend an act passed March 23, 1850, entitled An act for the protection of purchasers of real estate upon sales by order of surrogates,' passed April 20, 1869," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Enos       | Houghton   | Mosher     | Smith           |
| Alvord        | Foley      | Hungerford | Moulton    | Smyth           |
| D. L. Babcock | Fort       | Hyatt      | Murdock    | Sniper          |
| Badeau        | Fowler     | Jacobs     | Osgood     | Snyder          |
| Bemus         | Geib       | Judd       | Peck       | Swain           |
| Bennett       | Goring     | Kingsland  | Preston    | Tilden          |
| Blair         | Goss       | Knapp      | Prince     | D. Tomkins      |
| E. E. Brown   | Green      | Knettles   | Ray        | M. M. Tompkins  |
| Buell         | Greenhalgh | Lincoln    | Rice       | W. J. Van Dusen |
| Burns         | Gregory    | Lippitt    | Roche      | Wells           |
| Cook          | Griffin    | G. D. Lord | Rose       | West            |
| Couchman      | Hart       | G. P. Lord | Sage       | White           |
| Crandall      | Haughton   | Lott       | Shepardson | Woodward        |
| Davidson      | Herrick    | Mackay     | Simson     | Woolsey         |
| Dykeman       | A. Hill    | Moore      | Smiley     | Yeomans         |
| Eastman       | Holdridge  | Morton     |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to confirm the exchange of land for the use of the public cemetery of the town of Hempstead, county of Queens, known as Greenfield cemetery, and elect officers for the management of the same," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Abbott        | Davidson    | Herrick    | Mosher  | Sniper          |
| Alvord        | Dykeman     | A. Hill    | Moulton | Snyder          |
| D. L. Babcock | Eastman     | Hungerford | Murdock | Swain           |
| Badeau        | Enos        | Jacobs     | Osgood  | D. Tomkins      |
| Bemus         | Foley       | Judd       | Peck    | M. M. Tompkins  |
| Bennett       | Fort        | Kingsland  | Preston | Tucker          |
| Blair         | Fowler      | Knapp      | Prince  | Twombly         |
| E. E. Brown   | Geib        | Knettles   | Ray     | A. L. Van Dusen |
| I. D. Brown   | Goring      | Lincoln    | Roche   | W. J. Van Dusen |
| Buckley       | Goss        | Lippitt    | Rose    | Wells           |
| Buell         | Green       | G. D. Lord | Sage    | West            |
| Burritt       | Greenhalgh  | G. P. Lord | Simson  | White           |
| Campbell      | Gregory     | Lott       | Smiley  | Woodward        |
| Cook          | Griffin     | Lynde      | Smith   | Woolsey         |
| Couchman      | Hart        | Mackay     | Smyth   | Yeomans         |
| Crandall      | A. L. Hayes | Moore      |         |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act in relation to the filing of certain claims of Ann Egbert, Mrs. C. T. Hill and Ann Egbert, John G. Wormley, Charles H. Hammond, D. L. McNulty, Martin Hammond, George W. Lovell and Lorenzo D. Hughson," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof.

{ AYES 51 }  
{ NOES 33 }

Those who voted in the affirmative, were

|               |            |           |            |                 |
|---------------|------------|-----------|------------|-----------------|
| D. L. Babcock | Crandall   | Griffin   | Lincoln    | Simson          |
| Badeau        | Davidson   | Haughton  | G. D. Lord | Smith           |
| Bemus         | Dykeman    | Hawkins   | G. P. Lord | Smyth           |
| Bennett       | Enos       | Herrick   | Morton     | Sniper          |
| Berri         | Fort       | A. Hill   | Mosher     | Snyder          |
| Blair         | Geib       | Hollister | Moulton    | Tucker          |
| I. D. Brown   | Goring     | Houghton  | Murdock    | A. L. Van Dusen |
| Buckley       | Green      | Hyatt     | Peck       | West            |
| Buell         | Greenhalgh | Judd      | Roche      | White           |
| Burritt       | Gregory    | Knettles  | Shepardson | Woodward        |
| Campbell      |            |           |            |                 |

Those who voted in the negative, were

|        |        |         |      |            |
|--------|--------|---------|------|------------|
| Abbott | Foley  | Knapp   | Ray  | Tilden     |
| Alvord | Fowler | Lippitt | Rice | D. Tomkins |



|             |             |        |        |                 |
|-------------|-------------|--------|--------|-----------------|
| E. E. Brown | Goss        | Lott   | Rose   | Twombly         |
| Burns       | A. L. Hayes | Lynde  | Sage   | W. J. Van Dusen |
| Cook        | Husted      | Mackay | Smiley | Woolsey         |
| Couchman    | Jacobs      | Moore  | Swain  | Yeomans         |
| Flammer     | Kingsland   | Prince |        |                 |

Mr. Fort moved to reconsider the vote on the final passage of said bill, and that that motion lie on the table.

Mr. Speaker put the question whether the House would agree to said motion to lay on the table, and it was determined in the affirmative.

The bill entitled "An act to extend to the towns of Skaneateles and Spafford, of the county of Onondaga, the provisions of the act entitled 'An act to amend an act entitled An act to authorize the formation of railroad corporations, and to regulate the same, passed April 2, 1850, so as to permit municipal corporations to aid in the construction of railroads, passed May 15, 1869,' and of acts amendatory thereof," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                |
|---------------|------------|------------|------------|----------------|
| Abbott        | Eastman    | A. Hill    | Moore      | Simson         |
| Alvord        | Enos       | Holdridge  | Morton     | Smiley         |
| D. L. Babcock | Flammer    | Hollister  | Mosher     | Smith          |
| Badeau        | Foley      | Houghton   | Moulton    | Smyth          |
| Bemus         | Fort       | Hungerford | Osgood     | Sniper         |
| Bennett       | Fowler     | Husted     | Paige      | Snyder         |
| Blair         | Geib       | Judd       | Peck       | Swain          |
| I. D. Brown   | Goring     | Kingsland  | Pell       | Tilden         |
| Buell         | Goss       | Knapp      | Preston    | M. M. Tompkins |
| Burns         | Green      | Knetties   | Prince     | Tucker         |
| Burritt       | Greenhalgh | Lincoln    | Ray        | W. J. VanDusen |
| Campbell      | Gregory    | Lippitt    | Rice       | Wells          |
| Cook          | Griffin    | G. D. Lord | Roche      | Whitbeck       |
| Couchman      | Hart       | G. P. Lord | Rose       | Woodward       |
| Crandall      | Haughton   | Lott       | Sage       | Woolsey        |
| Davidson      | Hawkins    | Lynde      | Shepardson | Yeomans        |
| Dykeman       | Herrick    | Mackay     |            |                |

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to legalize the acts of Stafford Wade, Leve-rett Spring and Aaron A. Spencer, commissioners of the town of Arcade, in purchasing certain bonds and coupons of said town with moneys arising from the sale of certain railroad stock belonging to said town, and to authorize said commissioners to cancel the same," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |             |            |                 |
|---------------|------------|-------------|------------|-----------------|
| Abbott        | Davidson   | A. L. Hayes | Lott       | Simson          |
| Alvord        | Dykeman    | Herrick     | Lynde      | Smiley          |
| D. L. Babcock | Eastman    | A. Hill     | Mackay     | Smith           |
| Badeau        | Enos       | Holdridge   | Moore      | Smyth           |
| Bemus         | Flammer    | Hollister   | Morton     | Sniper          |
| Bennett       | Fort       | Houghton    | Mosher     | Snyder          |
| Berri         | Fowler     | Hungerford  | Moulton    | Swain           |
| Blair         | Geib       | Husted      | Murdock    | Tilden          |
| I. D. Brown   | Goring     | Hyatt       | Osgood     | Tucker          |
| Buckley       | Goss       | Kingsland   | Paige      | Twombly         |
| Buell         | Green      | Knapp       | Preston    | W. J. Van Dusen |
| Burns         | Greenhalgh | Knettles    | Prince     | Wells           |
| Burritt       | Gregory    | Lincoln     | Ray        | Whitbeck        |
| Campbell      | Griffin    | Lippitt     | Rice       | Woodward        |
| Cook          | Hart       | G. D. Lord  | Rose       | Woolsey         |
| Couchman      | Haughton   | G. P. Lord  | Shepardson | Yeomans         |
| Crandall      | Hawkins    |             |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act authorizing the Canal Commissioner of the eastern division to raise a certain road-bed in the town of Kingsbury, county of Washington," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |             |            |                 |
|---------------|------------|-------------|------------|-----------------|
| Abbott        | Crandall   | Hawkins     | Lott       | Smiley          |
| Alvord        | Davidson   | A. L. Hayes | Lynde      | Smith           |
| D. L. Babcock | Dykeman    | Herrick     | Mackay     | Sniper          |
| Badeau        | Eastman    | A. Hill     | Moore      | Snyder          |
| Bemus         | Enos       | Holdridge   | Morton     | Swain           |
| Bennett       | Flammer    | Hollister   | Moulton    | Tilden          |
| Berri         | Foley      | Hungerford  | Murdock    | M. M. Tompkins  |
| Blair         | Fort       | Husted      | Osgood     | Tucker          |
| E. E. Brown   | Fowler     | Hyatt       | Peck       | Twombly         |
| I. D. Brown   | Geib       | Kingsland   | Preston    | W. J. Van Dusen |
| Buckley       | Goss       | Knapp       | Prince     | Wells           |
| Buell         | Green      | Knettles    | Ray        | Whitbeck        |
| Burns         | Greenhalgh | Lincoln     | Rice       | White           |
| Burritt       | Gregory    | Lippitt     | Rose       | Woodward        |
| Campbell      | Griffin    | G. D. Lord  | Shepardson | Woolsey         |
| Cook          | Hart       | G. P. Lord  | Simson     | Yeomans         |
| Couchman      |            |             |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

A message was received from the Senate in the words following :

*Resolved*, That a respectful message be sent to the Assembly, requesting the return to the Senate of Senate bill No. 49, entitled "An act to amend an act entitled 'An act to amend an act to incorporate the savings bank of the city of Utica,' passed April 26, 1839, passed April 11, 1870."

Mr. Speaker put the question on discharging the committee on banks from further consideration of said bill, and that the same be returned to the Senate, and it was determined in the affirmative.

*Ordered*, That the Clerk return said bill to the Senate.

Mr. Rose moved to suspend the pending order of business of "third reading of bills."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative, two-thirds of all the members present not voting in favor thereof.

The bill entitled "An act to authorize the village of Silver Creek, in the county of Chautauqua, to purchase, hold, use and convey certain real estate, and to legalize proceedings relative thereto," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Dykeman     | A. Hill    | Mackay     | Smith           |
| Alvord        | Eastman     | Holdridge  | Moore      | Smyth           |
| D. L. Babcock | Enos        | Hollister  | Morton     | Sniper          |
| Badeau        | Flammer     | Houghton   | Mosher     | Snyder          |
| Bemus         | Foley       | Hungerford | Moulton    | Swain           |
| Bennett       | Fort        | Husted     | Murdock    | Tilden          |
| Berri         | Fowler      | Hyatt      | Osgood     | M. M. Tompkins  |
| Blair         | Geib        | Judd       | Peck       | Tucker          |
| E. E. Brown   | Goss        | Kingsland  | Preston    | Twombly         |
| Buckley       | Green       | Knapp      | Prince     | W. J. Van Dusen |
| Buell         | Greenhalgh  | Knettles   | Ray        | Wells           |
| Burns         | Gregory     | Lincoln    | Rice       | Whitbeck        |
| Burritt       | Griffin     | Lippitt    | Rose       | White           |
| Campbell      | Hart        | G. D. Lord | Shepardson | Woodward        |
| Cook          | Hawkins     | G. P. Lord | Simson     | Woolsey         |
| Couchman      | A. L. Hayes | Lott       | Smiley     | Yeomans         |
| Crandall      | Herrick     | Lynde      |            |                 |

For the negative.

I. D. Brown

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act for the extension of the Utica, Chenango and Cortland railroad," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |             |        |        |
|---------------|----------|-------------|--------|--------|
| Abbott        | Crandall | A. L. Hayes | Lynde  | Smith  |
| Alvord        | Davidson | A. Hill     | Mackay | Sniper |
| D. L. Babcock | Dykeman  | Holdridge   | Moore  | Snyder |
| Badeau        | Eastman  | Hollister   | Morton | Swain  |



|             |            |            |            |                 |
|-------------|------------|------------|------------|-----------------|
| Bemus       | Enos       | Houghton   | Mosher     | Tilden          |
| Bennett     | Flammer    | Hungerford | Moulton    | M. M. Tompkins  |
| Berri       | Foley      | Husted     | Murdock    | Tucker          |
| Blair       | Fort       | Hyatt      | Osgood     | Twombly         |
| E. E. Brown | Fowler     | Judd       | Peck       | A. L. Van Dusen |
| I. D. Brown | Geib       | Kingsland  | Preston    | W. J. Van Dusen |
| Buckley     | Goss       | Knapp      | Prince     | West            |
| Buell       | Green      | Knetties   | Rice       | Whitbeck        |
| Burns       | Greenhalgh | Lincoln    | Roche      | White           |
| Burritt     | Gregory    | Lippitt    | Rose       | Woodward        |
| Campbell    | Griffin    | G. D. Lord | Shepardson | Woolsey         |
| Cook        | Hart       | G. P. Lord | Simson     | Yeomans         |
| Couchman    | Hawkins    | Lott       | Smiley     |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act in relation to non-resident highway taxes upon certain lands in the counties of Hamilton and Warren," being announced for a third reading,

On motion of Mr. Woodward, and by unanimous consent, said bill was ordered laid aside.

The bill entitled "An act to amend an act entitled 'An act to authorize the Watervliet Turnpike Company to construct and maintain a railroad on their present road, and to extend the same into and through the village of West Troy and Cohoes and the town of Watervliet and the city of Albany, to increase the capital stock and to alter their corporate name,' passed April 15, 1862, by increasing the capital stock of the company for the purpose of paying the outstanding bonds thereof," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Crandall   | A. Hill    | Moore      | Smith           |
| Alvord        | Dykeman    | Holdridge  | Morton     | Smyth           |
| D. L. Babcock | Eastman    | Hollister  | Moulton    | Sniper          |
| Badeau        | Enos       | Houghton   | Murdock    | Swain           |
| Bemus         | Flammer    | Hungerford | Osgood     | M. M. Tompkins  |
| Bennett       | Foley      | Hyatt      | Paige      | Tucker          |
| Berri         | Fort       | Kingsland  | Peck       | Twombly         |
| Blair         | Fowler     | Knapp      | Preston    | A. L. Van Dusen |
| E. E. Brown   | Geib       | Knetties   | Prince     | W. J. Van Dusen |
| I. D. Brown   | Goss       | Lincoln    | Ray        | Wells           |
| Buckley       | Green      | Lippitt    | Rice       | West            |
| Buell         | Greenhalgh | G. D. Lord | Roche      | Whitbeck        |
| Burns         | Gregory    | G. P. Lord | Rose       | White           |
| Burritt       | Griffin    | Lott       | Shepardson | Woodward        |
| Campbell      | Hart       | Lynde      | Simson     | Woolsey         |
| Couchman      | Hawkins    | Mackay     | Smiley     | Yeomans         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act in relation to Columbia College, in the city of New York," being announced for a third reading,

Mr. I. D. Brown moved to recommit said bill to the committee on public education.

Debate was had thereon, when  
 Pending the consideration of said motion,  
 Mr. Speaker asked and obtained consent of the House to communicate  
 a telegram received by him, in the words following :

BINGHAMTON, *Feb'y* 6, 1872.

*To the Speaker of the Assembly :*

Hon. Wm. M. Ely died at his residence, here, at five minutes before  
 eleven o'clock, this A. M.

GEO. BURR, M. D.,  
 JOHN G. ORTON, M. D.,  
*Attending Physicians.*

By unanimous consent, Mr. Speaker also presented a communication,  
 in the words following :

ASSEMBLY CHAMBER, ALBANY, *Feb'y* 6, 1872.

*Speaker of the Assembly :*

By vote of the New York State Medical Society, the undersigned are  
 constituted a committee to invite the Speaker of the House to meet in  
 convention with said society, and participate in its deliberations.

Very respectfully,

JAS. V. KENDALL, M. D.,  
 R. LOUGHRAN, M. D.,  
 JAS. S. BAILEY, M. D.,

*Committee.*

In consideration of the telegram received by the Speaker, and communi-  
 cated to the House, relative to the death of Hon. Wm. M. Ely,

On motion of Mr. Husted, at 12 o'clock and 50 minutes, the House  
 took a recess until 7½ o'clock.

---

HALF-PAST SEVEN O'CLOCK P. M.

The House again met.

Mr. Husted offered, for the consideration of the House, a preamble and  
 resolutions in the words following, to wit :

*Whereas*, An all-wise and all-merciful Creator has removed from among  
 us to his final resting place, our associate, the Hon. William M. Ely,  
 therefore,

*Resolved*, That while we recognize, in this mysterious dispensation, the  
 hand of Him, "who doeth all things well," we mournfully embrace this  
 opportunity to testify our appreciation of our comrades' public spirited-  
 ness as a citizen, his fidelity a legislator, and his noble disinterestedness  
 as a friend.

*Resolved*, That in his death, this Legislature has lost a safe and judi-  
 cious counselor, his family a kind and affectionate husband and father,  
 his district a faithful and able representative, and all his acquaintances a  
 warm and sincere friend.

*Resolved*, That, in token of our appreciation of his worth and of our  
 sorrow at his loss, the members of this House wear the usual badge of  
 mourning during the balance of the session.

*Resolved*, That a committee of five be appointed by the Speaker to attend his funeral and participate in paying the last tribute of respect to the departed.

*Resolved*, That the Clerk of this House forward a copy of the foregoing preamble and resolutions to the family of the deceased.

*Resolved*, That this House do now adjourn.

Mr. Speaker put the question whether the House would agree to the said preamble and resolutions, and they were adopted unanimously.

At 7 o'clock and 45 minutes the House adjourned.

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## WEDNESDAY, FEBRUARY 7, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Halley.

The journal of yesterday was read and approved.

A message from the Senate was received and read, informing of concurrence in the passage of the bills entitled as follows:

"An act to legalize the vote of the town of Mt. Morris, in the county of Livingston, at the town meeting of said town, held on the 7th day of March, 1871, by which certain moneys were voted to be paid to the estate of McNeil Seymour, deceased, and to Noble Denison, and authorizing the board of town auditors of said town to audit and allow, and the board of supervisors of said county to levy and collect the same."

"An act for the relief of Patrick Mullins by providing for the release of his real estate from the lien of a certain bond executed by him."

"An act to provide for the establishment of fire limits in the village of Tonawanda, Erie county, New York."

"An act to authorize the village of Flushing, Queens county, to borrow money and issue bonds therefor, for the purpose of paying the floating indebtedness of said village, and for the general improvement thereof."

"An act to amend an act entitled 'An act to widen and improve a portion of Washington avenue, in the city of Brooklyn, and extend the same into the town of Flatbush,' passed April 23, 1870."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate returned the Senate bill entitled as follows:

"An act to authorize the town of Herkimer, Herkimer county, to issue bonds upon its credit for the purpose of raising money to be contributed toward building a new court-house for said county, in said town."

*Ordered*, That the Clerk return said bill to the Senate.

Mr. Speaker announced the following committee to attend the funeral of the late Hon. Wm. M. Ely, pursuant to the resolution adopted last evening, to wit:

Messrs. Husted, Bemus, Loughran, Wiley and D. B. Hill.

Pursuant to the 9th joint rule, Mr. Speaker announced the order of business of third reading of bills.

Mr. Speaker then stated the pending question to be upon the motion of Mr. I. D. Brown to recommit the Senate bill entitled "An act in relation to Columbia College, in the city of New York," to the committee on public education.



Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The bill entitled "An act in relation to superintendents of the poor," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 2 }

Those who voted in the affirmative, were

|               |            |             |            |                 |
|---------------|------------|-------------|------------|-----------------|
| Abbott        | Crandall   | A. L. Hayes | Lynde      | Smiley          |
| Alvord        | Davidson   | Healy       | MacKay     | Smith           |
| D. L. Babcock | Dunphy     | A. Hill     | Moore      | Smyth           |
| Badeau        | Dykeman    | Holdridge   | Morton     | Sniper          |
| Bemus         | Eastman    | Hollister   | Mosher     | Swain           |
| Bennett       | Foley      | Hungerford  | Murdock    | M. M. Tompkins  |
| Blair         | Fort       | Husted      | Oakley     | A. L. Van Dusen |
| E. E. Brown   | Fowler     | Hyatt       | Osgood     | W. J. Van Dusen |
| I. D. Brown   | Geib       | Judd        | Paige      | Wells           |
| Buckley       | Goss       | Kingsland   | Peck       | West            |
| Buell         | Green      | Knapp       | Preston    | Whitbeck        |
| Burns         | Greenhalgh | Knetties    | Prince     | White           |
| Burritt       | Gregory    | Lincoln     | Ray        | Wiley           |
| Chamberlain   | Haight     | Lippitt     | Rose       | Woodward        |
| Cook          | Haughton   | G. P. Lord  | Shepardson | Woolsey         |
| Couchman      | Hawkins    | Lott        | Simson     | Yeomans         |

Those who voted in the negative, were

Griffin                      Roche

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to facilitate the forming of agricultural and horticultural societies,' passed April 13, 1855," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

|             |            |            |         |                 |
|-------------|------------|------------|---------|-----------------|
| Alberger    | Dykeman    | D. B. Hill | Moore   | Smith           |
| Alvord      | Eastman    | Holdridge  | Moseley | Smyth           |
| Badeau      | Enos       | Hollister  | Mosher  | Sniper          |
| Bennett     | Flammer    | Hungerford | Moulton | Speaker         |
| Berri       | Fort       | Husted     | Murdock | Swain           |
| Blair       | Fowler     | Hyatt      | Osgood  | M. M. Tompkins  |
| E. E. Brown | Geib       | Judd       | Paige   | Tucker          |
| I. D. Brown | Goss       | Kingsland  | Peck    | A. L. Van Dusen |
| Buckley     | Green      | Knapp      | Pell    | W. J. Van Dusen |
| Buell       | Greenhalgh | Knetties   | Preston | Wells           |
| Burns       | Gregory    | Lincoln    | Ray     | West            |
| Chamberlain | Griffin    | Lippitt    | Rice    | Whitbeck        |
| Cook        | Haight     | G. D. Lord | Roche   | White           |
| Couchman    | Haughton   | G. P. Lord | Rose    | Wiley           |

|          |             |        |            |         |
|----------|-------------|--------|------------|---------|
| Crandall | Hawkins     | Lott   | Sage       | Woolsey |
| Davidson | A. L. Hayes | Lynde  | Shepardson | Yeomans |
| Dunphy   | A. Hill     | Mackay | Simson     |         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to renew an act passed May 9, 1868, entitled 'An act to amend section 3 of chapter 817 of the Laws of 1866, entitled An act to lay out and construct a road from the river road in township No. 14, in the town of Johnsburgh, to the Carthage road, near the head of Long lake, in the county of Hamilton,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| Abbott      | Dunphy      | D. B. Hill | Mackay     | Simson          |
| Alberger    | Eastman     | Holdridge  | Moore      | Smyth           |
| Alvord      | Enos        | Hollister  | Morton     | Snyder          |
| Badeau      | Fort        | Hungerford | Moseley    | Swain           |
| Bennett     | Fowler      | Husted     | Mosher     | M. M. Tompkins  |
| Blair       | Geib        | Hyatt      | Moulton    | Tucker          |
| E. E. Brown | Goss        | Jacobs     | Murdock    | A. L. Van Dusen |
| I. D. Brown | Green       | Kingsland  | Paige      | W. J. Van Dusen |
| Buckley     | Gregory     | Knapp      | Pell       | Wells           |
| Buell       | Griffin     | Knettles   | Preston    | West            |
| Burritt     | Haight      | Lincoln    | Prince     | Whitbeck        |
| Campbell    | Haughton    | Lippitt    | Ray        | White           |
| Chamberlain | Hawkins     | G. D. Lord | Roche      | Wiley           |
| Cook        | A. L. Hayes | G. P. Lord | Rose       | Woodward        |
| Couchman    | Healy       | Lott       | Sage       | Woolsey         |
| Crandall    | A. Hill     | Lynde      | Shepardson | Yeomans         |
| Davidson    |             |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to amend an act entitled 'An act in relation to the fees of sheriffs, except in the counties of New York, Kings, and Westchester,' passed April 12, 1871," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 77 }  
{ NOES 5 }

Those who voted in the affirmative, were

|               |          |             |            |                 |
|---------------|----------|-------------|------------|-----------------|
| Abbott        | Crandall | A. L. Hayes | G. P. Lord | Smyth           |
| Alberger      | Davidson | A. Hill     | Lott       | Sniper          |
| Alvord        | Dunphy   | D. B. Hill  | Loughran   | Snyder          |
| D. L. Babcock | Dykeman  | Holdridge   | Mackay     | Swain           |
| Bemus         | Flammer  | Houghton    | Morton     | D. Tomkins      |
| Bennett       | Foley    | Hungerford  | Mosher     | Tucker          |
| Berri         | Fort     | Husted      | Moulton    | W. J. Van Dusen |
| Blair         | Fowler   | Hyatt       | Murdock    | Wells           |

|             |            |            |         |          |
|-------------|------------|------------|---------|----------|
| E. E. Brown | Geib       | Jacobs     | Paige   | West     |
| I. D. Brown | Goss       | Judd       | Peck    | White    |
| Buckley     | Greenhalgh | Kingsland  | Pell    | Wiley    |
| Buell       | Gregory    | Knapp      | Preston | Woodward |
| Burritt     | Griffin    | Knettles   | Prince  | Woolsey  |
| Campbell    | Haight     | Lincoln    | Simson  | Wyman    |
| Chamberlain | Houghton   | G. D. Lord | Smith   | Yeomans  |
| Cook        | Hawkins    |            |         |          |

Those who voted in the negative, were

|       |       |         |      |            |
|-------|-------|---------|------|------------|
| Green | Lynde | Moseley | Rose | Shepardson |
|-------|-------|---------|------|------------|

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act for the relief of Cornelia Townsend," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof.

{ AYES 60 }  
{ NOES 21 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Crandall   | D. B. Hill | G. P. Lord | Simson          |
| Alvord        | Davidson   | Holdridge  | Loughran   | Smith           |
| D. L. Babcock | Dunphy     | Hollister  | Lynde      | Smyth           |
| Badeau        | Dykeman    | Hungerford | Mackay     | Sniper          |
| Bemus         | Fowler     | Husted     | Moore      | Swain           |
| Bennett       | Goss       | Hyatt      | Morton     | D. Tomkins      |
| Berri         | Greenhalgh | Judd       | Murdock    | Tucker          |
| Blair         | Gregory    | Kingsland  | Osgood     | A. L. Van Dusen |
| E. E. Brown   | Griffin    | Knettles   | Peck       | White           |
| Buckley       | Haight     | Lincoln    | Preston    | Wiley           |
| Campbell      | Hart       | Lippitt    | Rose       | Woodward        |
| Cook          | Hawkins    | G. D. Lord | Shepardson | Yeomans         |

Those who voted in the negative, were

|          |          |        |                 |          |
|----------|----------|--------|-----------------|----------|
| Alberger | Houghton | Mosher | Roche           | West     |
| Flammer  | Jacobs   | Oakley | Speaker         | Whitbeck |
| Foley    | Knapp    | Pell   | M. M. Tompkins  | Woolsey  |
| Houghton | Moseley  | Ray    | W. J. Van Dusen | Wyman    |
| Healy    |          |        |                 |          |

Mr. Husted moved to reconsider the the vote on the final passage of said bill, and that that motion lay on the table.

Mr. Speaker put the question whether the House would agree to said motion to lay on the table, and it was determined in the affirmative.

The Senate bill entitled "An act relative to lands in the city of Brooklyn, county of Kings, devised in and by the last will and testament of Leffert Lefferts, deceased, to Elizabeth Dorothea Brevoort, for and during her natural life," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.



{ AYES 84 }  
{ NOES 5 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Alvord        | Eastman    | Healy      | Moseley    | Speaker         |
| D. L. Babcock | Enos       | A. Hill    | Mosher     | Swain           |
| Badeau        | Flammer    | D. B. Hill | Moulton    | D. Tomkins      |
| Bennett       | Foley      | Hollister  | Paige      | M. M. Tompkins  |
| Berri         | Fort       | Houghton   | Peck       | Twombly         |
| Blair         | Frear      | Hungerford | Pell       | A. L. Van Dusen |
| E. E. Brown   | Geib       | Husted     | Preston    | W. J. Van Dusen |
| I. D. Brown   | Goring     | Hyatt      | Prince     | Wells           |
| Buell         | Goss       | Jacobs     | Ray        | West            |
| Burritt       | Green      | Judd       | Rice       | Whitbeck        |
| Campbell      | Greenhalgh | Knapp      | Rose       | White           |
| Cook          | Gregory    | Lincoln    | Sage       | Wiley           |
| Couchman      | Griffin    | Lippitt    | Shepardson | Woodward        |
| Crandall      | Haight     | G. D. Lord | Simson     | Woolsey         |
| Davidson      | Hart       | Loughran   | Smith      | Wyman           |
| Dunphy        | Haughton   | Lynde      | Smyth      | Yeomans         |
| Dykeman       | Hawkins    | Morton     | Snyder     |                 |

Those who voted in the negative, were

|             |           |        |       |         |
|-------------|-----------|--------|-------|---------|
| A. L. Hayes | Kingsland | Mackay | Moore | Murdock |
|-------------|-----------|--------|-------|---------|

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to repeal section 1 of an act to amend an act entitled 'An act to reorganize the local government of the city of New York,' passed April 18, 1871," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 76 }  
{ NOES 9 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Fowler      | Hyatt      | Murdock    | Smyth           |
| Alvord        | Geib        | Jacobs     | Osgood     | Snyder          |
| D. L. Babcock | Goring      | Judd       | Paige      | Speaker         |
| Badeau        | Goss        | Kingsland  | Peck       | Swain           |
| Baltz         | Greenhalgh  | Knapp      | Pell       | M. M. Tompkins  |
| Bennett       | Gregory     | Knettles   | Preston    | A. L. Van Dusen |
| Berri         | Griffin     | Lincoln    | Prince     | W. J. Van Dusen |
| I. D. Brown   | Haight      | Lippitt    | Ray        | West            |
| Burns         | Hart        | G. D. Lord | Rice       | Whitbeck        |
| Burritt       | Hawkins     | Lott       | Rose       | White           |
| Crandall      | A. L. Hayes | Loughran   | Sage       | Wiley           |
| Davidson      | A. Hill     | Lynde      | Shepardson | Woodward        |
| Dykeman       | Houghton    | Moore      | Simson     | Woolsey         |
| Eastman       | Hungerford  | Morton     | Smiley     | Wyman           |
| Flammer       | Husted      | Moulton    | Smith      | Yeomans         |
| Fort          |             |            |            |                 |

Those who voted in the negative, were

|          |          |         |        |       |
|----------|----------|---------|--------|-------|
| Campbell | Foley    | Mackay  | Mosher | Roche |
| Dunphy   | Haughton | Moseley | Oakley |       |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. A. L. Van Dusen, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows :

"An act to incorporate the Little Falls Water-works Company."

Also, as correctly engrossed (passed Feb. 6, by unanimous consent), the bills entitled as follows :

"An act to amend an act authorizing the town of Naples to raise eight thousand dollars by tax to build a Town and Soldiers' Memorial Hall," passed April 16, 1869."

"An act to authorize the trustees of the Methodist Episcopal Church of Northville to convey real estate."

The bill entitled "An act to incorporate the New Rochelle Mannerchor," being announced for a third reading.

Mr. Morton moved to recommit said bill to the committee on the judiciary, retaining its place on third reading of bills.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 77 }  
{ NOES 3 }

Those who voted in the affirmative, were

|               |            |             |         |                 |
|---------------|------------|-------------|---------|-----------------|
| Abbott        | Dunphy     | Hawkins     | Lott    | Snyder          |
| Alvord        | Dykeman    | A. L. Hayes | Mackay  | Speaker         |
| D. L. Babcock | Eastman    | Healy       | Moore   | Swain           |
| Badeau        | Enos       | A. Hill     | Morton  | D. Tompkins     |
| Bemus         | Flammer    | D. B. Hill  | Moulton | M. M. Tompkins  |
| Berri         | Fort       | Holdridge   | Murdock | Tucker          |
| Blair         | Fowler     | Hollister   | Paige   | A. L. Van Dusen |
| E. E. Brown   | Geib       | Houghton    | Peck    | W. J. Van Dusen |
| Buell         | Goss       | Hyatt       | Pell    | West            |
| Burns         | Green      | Jacobs      | Ray     | Whitbeck        |
| Burritt       | Greenhalgh | Judd        | Rice    | White           |
| Campbell      | Gregory    | Knapp       | Sage    | Wiley           |
| Cook          | Griffin    | Lincoln     | Smith   | Woodward        |
| Couchman      | Haight     | Lippitt     | Smyth   | Woolsey         |
| Crandall      | Hart       | G. D. Lord  | Sniper  | Yeomans         |
| Davidson      | Haughton   |             |         |                 |

Those who voted in the negative, were

Kingsland      Prince      Rose

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to incorporate the Little Falls Water-works Company," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |             |         |                 |
|---------------|------------|-------------|---------|-----------------|
| Abbott        | Dunphy     | A. L. Hayes | Mackay  | Smyth           |
| Alberger      | Dykeman    | Healy       | Moore   | Sniper          |
| D. L. Babcock | Flammer    | A. Hill     | Morton  | Snyder          |
| Badeau        | Foley      | D. B. Hill  | Mosher  | Speaker         |
| Baltz         | Fort       | Holdridge   | Moulton | Swain           |
| Bemus         | Fowler     | Hollister   | Osgood  | D. Tomkins      |
| Blair         | Geib       | Houghton    | Paige   | Twombly         |
| E. E. Brown   | Goring     | Hyatt       | Pell    | A. L. Van Dusen |
| Buckley       | Goss       | Jacobs      | Preston | W. J. Van Dusen |
| Buell         | Green      | Judd        | Prince  | West            |
| Burns         | Greenhalgh | Kingsland   | Ray     | White           |
| Burritt       | Gregory    | Knettles    | Rice    | Wiley           |
| Campbell      | Griffin    | G. D. Lord  | Roche   | Woodward        |
| Chamberlain   | Haight     | Lott        | Rose    | Woolsey         |
| Cook          | Hart       | Loughran    | Sage    | Wyman           |
| Couchman      | Haughton   | Lynde       | Smith   | Yeomans         |
| Davidson      |            |             |         |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to extend the time for organizing the Niagara Water-works company," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Flammer     | Hollister  | Moseley    | Sniper          |
| Alberger      | Foley       | Houghton   | Osgood     | Snyder          |
| Alvord        | Fort        | Husted     | Paige      | Speaker         |
| D. L. Babcock | Fowler      | Hyatt      | Peck       | Swain           |
| Badeau        | Geib        | Jacobs     | Pell       | D. Tomkins      |
| Baltz         | Green       | Judd       | Preston    | M. M. Tompkins  |
| Bemus         | Greenhalgh  | Kingsland  | Prince     | A. L. Van Dusen |
| Berri         | Gregory     | Knettles   | Ray        | W. J. Van Dusen |
| Blair         | Griffin     | Lincoln    | Rice       | Wells           |
| Buell         | Haight      | Lippitt    | Roche      | West            |
| Burritt       | Haughton    | G. D. Lord | Rose       | White           |
| Campbell      | A. L. Hayes | Lott       | Sage       | Wiley           |
| Davidson      | Healy       | Loughran   | Shepardson | Woodward        |
| Dunphy        | A. Hill     | Lynde      | Simson     | Woolsey         |
| Dykeman       | D. B. Hill  | Mackay     | Smith      | Wyman           |
| Eastman       | Holdridge   | Moore      | Smyth      | Yeomans         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled as follows:

"An act to amend an act entitled 'An act in relation to the bonded debt of the town of East Chester, county of Westchester,' passed April 19, 1871," which was read the first time, and by unanimous consent was also read the second time.



On motion of Mr. Bâdeau, and by unanimous consent, said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| Abbott      | Dykeman     | D. B. Hill | Moore      | Smyth           |
| Alberger    | Enos        | Holdridge  | Morton     | Speaker         |
| Alvord      | Flammer     | Hollister  | Moulton    | Swain           |
| Badeau      | Foley       | Houghton   | Murdock    | D. Tomkins      |
| Bemus       | Fort        | Husted     | Paige      | M. M. Tompkins  |
| Bennett     | Fowler      | Hyatt      | Peck       | Tucker          |
| Berri       | Geib        | Jacobs     | Pell       | Twombly         |
| Blair       | Green       | Judd       | Preston    | A. L. Van Dusen |
| I. D. Brown | Greenhalgh  | Kingsland  | Prince     | W. J. Van Dusen |
| Buckley     | Gregory     | Knettles   | Ray        | Wells           |
| Buell       | Griffin     | Lincoln    | Rice       | West            |
| Burns       | Haight      | Lippitt    | Roché      | Whitbeck        |
| Burritt     | Hart        | G. D. Lord | Rose       | White           |
| Campbell    | Haughton    | Lott       | Sage       | Wiley           |
| Chamberlain | Hawkins     | Loughran   | Shepardson | Woodward        |
| Cook        | A. L. Hayes | Lynde      | Simson     | Woolsey         |
| Couchman    | Healy       | Mackay     | Smith      | Yeomans         |
| Dunphy      | A. Hill     |            |            |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

"An act to revive and amend the act to incorporate the Wyoming Benevolent Institute, passed April 28, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act authorizing the appointment of attendants and messengers of the supreme court, in the county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend an act entitled 'An act to authorize the board of trustees of the town of Morrisania to lay out and open 156th street, from St. Ann's avenue to the Third avenue, in the town of Morrisania, county of Westchester,' passed April 13, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to legalize certain obligations incurred by the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The Senate returned the bill entitled "An act to amend chapter 539 of the Laws of 1870, entitled 'An act in relation to jurors in the city and county of New York,'" with a message that they had concurred in the passage of the same, with the following amendment:

Section 1, engrossed bill, strike out all after the word "time," in line 9.

The question being on concurring,

Mr. Alvord moved to non-concur in said amendment, and that a committee of conference be appointed thereon, on the part of the Assembly, and request a like committee on the part of the Senate.

Mr Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The Senate returned the bill entitled "An act to authorize the county treasurer of Kings county to designate one of his assistants to act as deputy in his absence," with a message that they had concurred in the passage of the same, with the following amendment :

Section 1, engrossed bill, strike out the balance of section after the word "Kings" in line 10, and insert in lieu thereof the following :

"After the appointment of such deputy treasurer, and before he enters upon the duties of his office, the treasurer shall execute and file a new bond for the faithful performance of his duties as such treasurer, which new bond shall be in place and stead of the bond already executed and filed by him."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 91 }  
{ NOES 00 }

Those who voted in the affirmative, were

|             |            |            |            |                 |
|-------------|------------|------------|------------|-----------------|
| Abbott      | Flammer    | Hollister  | Moseley    | Smyth           |
| Alvord      | Foley      | Houghton   | Mosher     | Sniper          |
| Badeau      | Fort       | Hungerford | Moulton    | Speaker         |
| Baltz       | Fowler     | Husted     | Murdock    | D. Tomkins      |
| Bennett     | Geib       | Hyatt      | Osgood     | M. M. Tompkins  |
| Berri       | Goss       | Jacobs     | Paige      | Tucker          |
| I. D. Brown | Green      | Judd       | Peck       | Twombly         |
| Buckley     | Greenhalgh | Kingsland  | Pell       | A. L. Van Dusen |
| Buell       | Gregory    | Knapp      | Preston    | W. J. Van Dusen |
| Burns       | Griffin    | Knettes    | Prince     | Wells           |
| Burritt     | Haight     | Lincoln    | Ray        | West            |
| Campbell    | Hart       | G. D. Lord | Rice       | Whitbeck        |
| Chamberlain | Haughton   | Lott       | Rose       | White           |
| Cook        | Hawkins    | Loughran   | Sage       | Wiley           |
| Couchman    | Healy      | Lynde      | Shepardson | Woodward        |
| Dunphy      | A. Hill    | Mackay     | Simson     | Woolsey         |
| Dykeman     | D. B. Hill | Moore      | Smiley     | Wyman           |
| Eastman     | Holdridge  | Morton     | Smith      | Yeomans         |
| Enos        |            |            |            |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

A message was received from the Governor in words following :

EXECUTIVE CHAMBER, }  
ALBANY, February 5, 1872. }

*To the Assembly :*

In compliance with the joint resolution of the Senate and Assembly, I return herewith for amendment Assembly bill, not printed, entitled "An act to extend the provisions of chapter 113 of the Laws of 1853, entitled 'An act declaring Indian river a public highway.'"

JOHN T. HOFFMAN.

Mr. Enos moved that the vote on the final passage of said bill be reconsidered.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

|             |            |            |            |                 |
|-------------|------------|------------|------------|-----------------|
| Alvord      | Enos       | D. B. Hill | Mosher     | Smith           |
| Badeau      | Flammer    | Holdridge  | Murdock    | Smyth           |
| Bennett     | Foley      | Hollister  | Oakley     | Sniper          |
| Blair       | Fort       | Houghton   | Osgood     | Swain           |
| I. D. Brown | Fowler     | Hungerford | Paige      | D. Tomkins      |
| Buckley     | Geib       | Hyatt      | Peck       | Tucker          |
| Buell       | Goss       | Jacobs     | Pell       | A. L. Van Dusen |
| Burritt     | Green      | Judd       | Preston    | W. J. Van Dusen |
| Campbell    | Greenhalgh | Kingsland  | Prince     | Wells           |
| Chamberlain | Gregory    | Knapp      | Ray        | Whitbeck        |
| Cook        | Griffin    | Knettles   | Rice       | White           |
| Couchman    | Haight     | Lincoln    | Roche      | Wiley           |
| Davidson    | Haughton   | G. D. Lord | Shepardson | Woodward        |
| Dunphy      | Hawkins    | Lott       | Simson     | Woolsey         |
| Dykeman     | Healy      | Loughran   | Smiley     | Yeomans         |
| Eastman     | A. Hill    | Mackay     |            |                 |

On motion of Mr. Enos, and by unanimous consent, said bill was amended by substituting therefor the following :

"An act to amend chapter 113 of the Laws of 1853."

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The first section of chapter 113 of the Laws of 1853, entitled "An act declaring Indian river a public highway," is hereby amended so as to read as follows :

§ 1. The Indian river, in the towns of Antwerp, Philadelphia, Le Ray, Theresa and Wilna, in the county of Jefferson, and the town of Diana, in the county of Lewis, is hereby declared a public highway, for the purpose of floating saw-logs; provided nothing herein contained shall be so construed as to prevent the erection of any dams across said stream for the purpose of raising water to carry any mill or machinery, nor the putting of any boom across said stream, for securing saw-logs, or for any other purpose, proper or necessary, nor be so construed as to extend to or affect any dam or boom across, or mill upon said stream, now erected or hereafter to be erected as aforesaid, otherwise than is provided by law; and provided, further, that nothing in this act contained shall be so construed as to impair or abridge any private or individual rights, or any mill-dams, hereafter to be erected on said stream, shall be constructed with a chute or apron sufficient for the purposes above mentioned.

§ 2. This act shall take effect immediately.

Mr. Smiley then moved that said bill be recommitted to the committee on internal affairs, retaining its place.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.



Mr. Speaker presented a communication from the commissioners to construct quarantine buildings, in response to a resolution of the Assembly, adopted January 26, 1872; which was laid on the table and ordered printed.

(See Doc. No. 46.)

Also, a communication from the street cleaning commission of the city of New York, in response to a resolution of the Assembly, adopted January 25, 1872; which was laid on the table and ordered printed.

(See Doc. No. 47.)

Messrs. Holdridge and Preston, severally, presented petitions from the towns in Cattaraugus county and Chautauqua county for aid to drain Conewango swamp lands; which were read and referred to the committee on ways and means.

Mr. Burritt presented a petition from citizens of Monroe county for the New York Central and Hudson River Railroad Company to build a bridge over their railroad, in the town of Riga; which was read and referred to the committee on railroads.

Messrs. Crandall, G. P. Lord, Davidson, Knettles, Buckley, Fowler, Murdock, Gregory, Lincoln, Twombly, Knapp, Baltz and Wiley, severally, presented remonstrances from various parts of the State against legislative interference with the management of the Erie Railway Company; which were read and referred to the committee on railroads.

Mr. Lynde presented a petition of tax-payers of the town of Canton to amend an act incorporating the village of Canton; which was read and referred to the committee on the affairs of villages.

Mr. Judd presented a petition of L. Emery and others for release of capital stock of certain insurance companies; which was read and referred to the committee on insurance.

Also, a petition of Marcus Planer and Josephine Planer, aliens, for an enabling act; which was read and referred to the committee on petitions of aliens.

Messrs. Crandall, Lynde and Smyth, severally, presented petitions asking for increased appropriations to schools from the Literature Fund; which was read and referred to the committee on public education.

Mr. G. D. Lord presented a petition of citizens of Rochester for the repeal of chapter 907 of the Laws of 1869, known as the Railroad Bonding Law, exempting the city of Rochester; which was read and referred to the committee on railroads.

Mr. Whitbeck presented a petition of several hundred citizens of New York in favor of the extension of the Harlem railroad tracks through Eighty-sixth street and Avenue A, to Astoria ferry, for the use of small cars only; which was read and referred to the committee on railroads.

Also, a petition and resolutions of the Citizens' Association of the twelfth ward, in the city of New York, in favor of an underground railroad under Broadway and Fourth avenue; which was read and referred to the committee on railroads.

Also, a petition of Wm. H. Raynor and others, in favor of exempting bonds and mortgages from taxation; which was read and referred to the committee on ways and means.

Mr. Wells presented a petition of tax-payers for an additional justice of the peace in the town of Sodus, in the county of Wayne; which was read and referred to the committee on the judiciary.

Mr. Mackay presented a petition of Peter Early and others, aliens; which was read and referred to the committee on the petitions of aliens.

Mr. Alvord presented a petition of a portion of the bar of Onondaga county to reduce the fees of sheriffs and clerks in said county; which was read and referred to the committee on the judiciary.

Messrs. Fort, I. D. Brown and Swain, severally, presented remonstrances against the passage of Senate bill No. 20, entitled "An act to amend an act entitled 'An act to facilitate the construction of the Lake Ontario Shore railroad, and to amend the several acts in relation thereto,' passed March 17, 1871," which was read and referred to the committee on railroads.

Messrs. Haight, Twombly, Peck, Bennett and Pell, severally, presented petitions for reduced rates of ferriage between Brooklyn, eastern district, and the city of New York; which were read and referred to the committee on commerce and navigation.

Mr. Hawkins presented several petitions of stockholders of the Erie Railway Company for the repeal of the classification act; which were read and referred to the committee on railroads.

Mr. Sage presented a petition for an additional justice of the peace in the town of Richland, Oswego county, New York; which was read and referred to the committee on the judiciary.

Mr. Judd presented a petition of Clarence M. Johnson and twenty-four others, citizens of Staten Island, for the amendment of the game law; which was read and referred to the committee on internal affairs.

Mr. I. D. Brown presented a petition of Dr. H. D. Eldridge and sixty-three others, for a carriage viaduct under the New York Central railroad at Port Byron depot; which was read and referred to the committee on railroads.

Mr. D. Tompkins presented a petition of the people of Clarktown and Orangetown to repeal the act authorizing the making and opening of the Midland avenue; which was read and referred to the committee on roads and bridges.

The Senate returned the joint rules, with a message that they had concurred in the passage of the same without amendment.

Leave of absence was granted to Messrs. Beckwith, Herrick, Kennedy and Squires, indefinitely, on account of sickness.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act to authorize the construction of a bridge over the Chenango canal at the village of Solsville, in the county of Madison," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the Syracuse Northern Railroad Company to construct and maintain a swing-bridge over the Oswego canal in the first ward of the city of Syracuse,' passed April 7, 1871, so as to include the second and third wards of said city," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act to amend chapter 576 of the Laws of 1870, entitled 'An act to provide for the introduction of the European system of steam towage upon the canals of this State,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act to grant the right to erect a section of frame work



upon the bank of the Erie canal, in the city of Lockport, to test a method to be employed in the propulsion of boats," reported adversely thereto, as by law such right was in the discretion of the Canal Commissioners; which report was agreed to.

Mr. Fort, from the committee on canals, to which was referred the petition of Henry Bickel, praying for an amendment of the law offering a reward of \$100,000 for the best invention of propelling canal boats by steam; reported adversely thereto, which report was agreed to.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act ceding jurisdiction to the United States of certain lands in the counties of Niagara and Erie for the construction of a ship canal around the falls of Niagara," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Fort, from the committee on canals, to which was referred the Senate bill entitled "An act to authorize Orson Richards and Eber Richards to construct and maintain a swing-bridge over the Glen's Falls feeder, in the village of Sandy Hill," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Fort, from the committee on canals, to which was referred the Senate bill entitled "An act for the erection of an iron bridge over the Champlain canal at Comstock's Landing, in the county of Washington," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to legalize the proceedings of certain commissioners appointed for the drainage of wet lands in Onondaga county," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to repeal chapter 337 of the Laws of 1865," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to prevent the cutting or taking of ice from Chautauqua lake at certain points therein," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to amend an act entitled 'An act for the erection and maintenance of watering-troughs in the public highways of this State,' passed April 7, 1869," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to amend an act entitled 'An act to provide for the mode and manner of electing town and other officers at annual elections to be held in and for the several towns in the county of Richmond, and to legalize the election of town officers elected at the annual election, held in the several towns of said county, the 7th day of June, 1870,' passed January 31, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.



Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to authorize plank-road and turnpike companies, formed under and by virtue of part 1, chapter 18, title 1, article 5 of the Revised Statutes, to extend their charter or corporate existence," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act consolidating the cities of Brooklyn and Williamsburgh and the town of Bushwick in one municipal government," passed March 27, 1862, and an act to amend the same, passed May 12, 1865, reported adversely thereto, which report was agreed to.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the extending of certain streets in the city of Brooklyn to the East river, and to the permanent bulkhead line, and to provide for the expenses thereof," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to open and extend South Eleventh street, in the city of Brooklyn, from its present termination to Third street," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to repeal chapter 115 of Laws of 1871, passed March 16, 1871, and to place proper restrictions on the appropriations and expenditures of public moneys by the board of supervisors of Kings county," reported the same for the consideration of the House; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act, to repeal chapter 737 of Laws of 1871 entitled 'An act to provide for the election of an Auditor of the county of Kings, and prescribing his powers and duties,' passed April 26, 1871," reported the same for the consideration of the House; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to repeal chapter 877 of the Laws of 1871, and to provide for the transfer of the duties of the register of arrears of taxes to the collector of taxes and assessments of the city of Brooklyn," reported the same for the consideration of the House; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act passed May 3, 1870, entitled 'An act to amend an act to incorporate the city of Troy, passed April 12, 1816,' and the several acts amendatory thereof relating to the city of Troy," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goss, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend chapter 148 of the Laws of 1867, entitled 'An act to consolidate and amend the several acts incorporating

or relating to the village of Skaneateles,' passed April 16, 1867," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Sniper, from the committee on militia, to which was referred the bill entitled "An act to amend chapter 80 of the Laws of 1870, entitled 'An act to provide for the enrollment of the militia for the organization of the National Guard of the State of New York and for the public defense, and entitled the Military Code,' passed March 17, 1870," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Yeomans, from the committee on agriculture, to which was referred the bill entitled "An act to incorporate the Etna Driving Park and Agricultural Association for the improvement of stock and the advancement of agriculture and the mechanic arts," reported in favor of the passage of the same with amendments, and have amended the title so as to read "An act to incorporate the Etna Agricultural Association for the improvement of stock and the advancement of agriculture and the mechanic arts," which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act limiting and providing for the renewal of the record notice of the existence of mortgages of real property," reported adversely thereto, which report was agreed to.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 500 of the Laws of 1863, and the act or acts amendatory thereof, entitled 'An act to secure the payment of mechanics, laborers and persons furnishing materials towards the erection, altering or repairing of buildings in the city of New York,' passed May 5, 1863," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to amend the Revised Statutes in relation to reports of deaths to the public administrator," reported adversely thereto.

On motion of Mr. I. D. Brown, said report was laid on the table.

Mr. D. L. Babcock introduced a bill entitled "An act requiring the overseer of the poor of the city of Albany to keep certain records relative to insane poor persons," which was read the first time, and by unanimous consent, was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to repeal section 94 of chapter 352 of the Laws of 1855, and section 15 of title 15 of chapter 912 of the Laws of 1869, relating to a jail or lock-up in the city of Cohoes; also chapter 235 of the Laws of 1861, entitled 'An act to authorize and establish a jail or lock-up in the village of West Troy, in the county of Albany,' passed April 15, 1861," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Goring introduced a bill entitled "An act to authorize the lighting of public streets and avenues in the town of Fishkill, in the county of Dutchess," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.



Mr. Eastman introduced a bill entitled "An act to amend the charter of the city of Poughkeepsie, and to enlarge its boundaries," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. White introduced a bill entitled "An act to incorporate the exempt fireman's association of the western district of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Roche introduced a bill entitled "An act to enable Mary Conlan to take and hold real estate, and to release to her the interest and title in lands escheated to the State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the petitions of aliens.

Mr. Jacobs introduced a bill entitled "An act to amend an act entitled 'An act for the appointment of commissioners to lay out a plan for roads and streets in the towns of Kings county,' passed May 7, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act to confirm the title of Francis Melvin to certain land in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. G. D. Lord introduced a bill entitled "An act to authorize the establishment of a female department to the Western House of Refuge for Juvenile Delinquents," which was read the first time and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Also, a bill entitled "An act to except the city of Rochester from the operation of an act entitled 'An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850, so as to permit municipal corporations to aid in the construction of railroads, passed May 18, 1869, and of the several acts amendatory thereof,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. W. J. Van Dusen introduced a bill entitled "An act to amend an act entitled 'An act to revise and consolidate the laws in relation to Amsterdam village, in Montgomery county,' passed April 17, 1854, and to amend subsequent acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the affairs of villages.

Mr. Foley introduced a bill entitled "An act for the regulation of savings banks in the city of New York and county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Also, a bill entitled "An act entitled 'An act relating to the acquiring of the title to private property sought to be taken for public use,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act in relation to police justices and the courts of special sessions in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.



Mr. Twombly introduced a bill entitled "An act to amend an act to provide for the incorporation of insurance companies, passed June 25, 1853," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

Also, a bill entitled "An act to enable John L. Ireland to acquire title to a portion of South Fifth Avenue in the city of New York, and to discontinue that portion of said avenue," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Whitbeck introduced a bill entitled "An act to amend the Revised Statutes in respect to administrators with the will annexed," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Alvord introduced a bill entitled "An act to supply deficiencies in former appropriations and to pay the indebtedness of the State, which deficiencies and indebtedness have been changed into liabilities for money borrowed to pay them or into certificates of indebtedness on which the State is now paying interest, and to pay the floating indebtedness of the State, and the estimated liabilities for the present fiscal year not yet provided by law," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Mr. Burns introduced a bill entitled "An act to legalize the action of the common council of the city of Syracuse in borrowing and donating money to aid the sufferers by fire at Chicago," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. A. L. Van Dusen introduced a bill entitled "An act entitled 'An act to revise the Gypsum Cemetery Association in Ontario county,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Fort introduced a bill entitled "An act declaring it unlawful to sell or give intoxicating liquor to persons who are in the habit of becoming intoxicated, or without consent of parent or guardian to minors, and making the person who sells or gives away liquor, with the owner or party renting or leasing the building or premises, when he has rented the same knowing that liquor was to be sold therein contrary to law, or when leased for other purposes, he knowingly permits such sale therein, jointly and severally liable for damage to life, property or means of support, by reason of the intoxication of any person, caused in whole or in part, by such sale or giving away; also, providing that illegal selling or giving away of such liquor shall work a forfeiture of all rights of the tenant, and for the prosecution for such damages, and rendering certain property liable for the payment of judgments that may be obtained therefor, with costs of suit," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

On motion of Mr. I. D. Brown, said bill was ordered printed immediately, and placed upon the files of the members.

Mr. Sage introduced a bill entitled "An act to provide for the election of a fifth justice of the peace in the town of Richland in and for the county of Oswego, and for the future election of five justices of the

peace of said town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Chamberlain introduced a bill entitled "An act to incorporate the South Worcester Cemetery Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Judd introduced a bill entitled "An act to amend chapter 721 of Laws of 1871 entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish, passed April 26, 1871,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Lynde introduced a bill entitled "An act to amend an act entitled 'An act to revise and amend an act entitled An act to incorporate the village of Canton, passed May 13, 1845, and the several acts amendatory thereof,' passed April 22, 1865, and amended April 6, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Gregory introduced a bill entitled "An act to authorize the Canal Commissioners to construct a road bridge over the Chemung canal in the village of Watkins in Schuyler county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Knettlles introduced a bill entitled "An act to amend an act to enable Ezra Cornell to found a public library and literary institution in the village of Ithaca, and to incorporate the same, passed April 5, 1864," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

Mr. Yeomans introduced a bill entitled "An act for the suppression of the sale of prize packages," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Wells introduced a bill entitled "An act to authorize the election of an additional justice of the peace in the town of Sodus, in the county of Wayne," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

On motion of Mr. Prince,

*Resolved*, That Assembly bill No. 121, entitled "An act to legalize the action of the board of supervisors of the county of Schenectady, designating the day of holding town meetings in the county of Schenectady, and to make the day of charter election in the city of Schenectady uniform therewith," was recommitted to the committee on the judiciary.

Mr. Hawkins offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the proposed charter for the city of Kingston be printed and placed upon the files of the members of the House.

Mr. Loughran moved to amend said resolution by inserting after the word "Kingston" the words "and the proposed charter of the city of Rondout."

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Loughran, and it was determined in the affirmative.



Mr. Speaker then put the question whether the House would agree to said resolution, as amended, and it was determined in the affirmative.

On motion of Mr. Hawkins,

*Resolved*, That the surrogate of the county of New York is hereby required, within ten days from the passage hereof, to furnish, for the information of the Legislature, a statement containing the names of all of the clerks, officers or other employes attached to his office, the kind and amount of duties performed by each, and the salary, fees or other emoluments received by each; also the rate of fees or percentage charged by appraisers for services in appraising property belonging to the estates of deceased persons, which come under the jurisdiction of said surrogate.

Mr. D. B. Hill offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That, in addition to the authority heretofore conferred upon the judiciary committee of this House to investigate the charges against certain judges in the city of New York, the said committee be authorized and directed to investigate all charges against any judge of any court of record of this State against whom specific charges shall be made and presented to said committee.

Said resolution giving rise to debate,

*Ordered*, That the same be laid on the table.

On motion of Mr. Goring,

*Resolved*, That the bill entitled "An act to incorporate the Protection Hose Association of the village of Plattsburgh," referred to the committee on charitable and religious societies, be taken from said committee and referred to the committee on the affairs of villages.

Mr. Flammer offered for the consideration of the House a preamble and resolution, in the words following, to wit:

*Whereas*, Grave charges and reflections have appeared in the public prints, in and about the city of New York, against and upon the office of the district attorney of the city of New York; said charges being that the said district attorney's office shields criminals, and fails to bring parties indicted for crime to trial, after the lapse of many months after indictment, after there having been sufficient time therefor wherein to bring said persons charged with crime to trial and punishment;

*And whereas*, The election of a city judge with concurrent power with the recorder was intended to facilitate the trial of all indictments against parties charged with crime, that the innocent might be liberated and the guilty punished; therefore, be it

*Resolved*, That the judiciary committee of this House is hereby directed to investigate said alleged abuses, and in addition thereto that said committee is particularly directed to investigate the said office as to the number of indictments on file therein, for what offense, the number of recognizances taken in said office, the nature and sufficiency thereof, the amount of moneys paid on forfeited recognizances, and such other matters as the said committee shall deem best for the public good, and that the said committee have power to send for persons and papers, and report back as soon as prepared so to do before the final adjournment of this Session.

Said resolution giving rise to debate,

*Ordered*, That the same be laid on the table.

Mr. Smyth called from the table the preamble and resolution previously offered by him, in the words following:



*Whereas*, The communication of the 31st of January last, from the Governor, does not fully answer the resolution of inquiry adopted by this House the day before, relating to the alteration of bills after they had been duly certified as having passed both Houses of the Legislature, and before they were signed by the Governor; and whereas, the information given is not sufficiently definite and specific to be useful for the purpose for which the inquiry was made; therefore,

*Resolved*, That the committee on engrossed bills make inquiry and investigate concerning the matter referred to in the preamble and resolution above referred to, and report the same to this House with such bill or recommendation as it shall think proper, and that such committee may report at any time.

Mr. Alvord moved to amend said preamble by inserting after the word "Governor" the words "because of want of information in his department."

Mr. Speaker put the question whether the House would agree to said motion of Mr. Alvord, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said preamble and resolution, as amended, and it was determined in the affirmative.

Mr. Fort called from the table the resolution previously offered by him, in the words following:

*Resolved*, That a select committee of seven be appointed by this House to apportion and divide this State into Congressional districts, under the census of 1870.

On motion of Mr. G. P. Lord, and by unanimous consent, said resolution was amended by striking out the word "seven" and inserting in lieu thereof the words "one from each judicial district of this State, and one from the State at large."

Mr. Alvord moved to amend said resolution by striking out the words "a select committee of one from each judicial district of this State, and one from the State at large, be appointed by this House to" and insert in lieu thereof the words "the committee on Federal relations."

Debate was had thereon, when

Pending the consideration of said motion,

Mr. Jacobs moved that the House do now adjourn.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative,

And, at 2 o'clock and 10 minutes, the House adjourned.

## THURSDAY, FEBRUARY 8, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Halley.

The journal of yesterday was read and approved.

Mr. A. L. Van Dusen, from the committee on engrossed bills, reported as correctly re-engrossed the bill (amended by the Senate and concurred in by the House, yesterday), entitled as follows:

"An act to authorize the county treasurer of Kings county to designate one of his assistants to act as deputy in his absence."

By unanimous consent,

Mr. Bennett, from the committee on commerce and navigation, to which was referred the bill entitled "An act to regulate the running of certain ferries between the cities of New York and Brooklyn, and to establish rates of ferriage thereon," reported the same for the consideration of the House; which report was agreed to, and said bill committed to the committee of the whole.

On account of the inability of Messrs. Husted, Bemus and D. B. Hill, to attend the funeral of Mr. Ely, Mr. Speaker appointed Messrs. Goss, Murdock and Buckley in their place.

Mr. Speaker announced the following committee of conference on part of the House, on the bill entitled as follows: "An act to amend chapter 539 of the Laws of 1870, entitled 'An act in relation to jurors in the city and county of New York:'" Messrs. Alvord, Twombly, Hawkins, A. L. Hayes, A. Hill.

A message from the Senate was received and read, informing of concurrence in the passage of the bill entitled as follows:

"An act in relation to the filing of the certificate of incorporation of the Keating Lumber Company."

*Ordered,* That the Clerk deliver said bill to the Governor.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act for the relief of Simon De Graff, James Conway, and George W. Phelps, and to authorize the board of supervisors of the county of Livingston to audit and allow the claims of Simon De Graff, James Conway, and George W. Phelps, for constructing and repairing a bridge over the Genesee river, in the county of Livingston, and to levy a tax for the amount allowed," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to authorize the Pennsylvania and Sodus Bay railroad and the Sodus point and Southern Railroad Company to connect their respective railroads by branches therefrom," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to amend an act entitled 'An act requiring mortgages of personal property to be filed in the town clerks' and other offices,' passed April 29, 1833; and also to amend chapter 412 of the Laws of 1864, being an act to amend an act entitled 'An act to provide for the registry of liens and encumbrances upon boats navigating canals in this State,' passed April 15, 1858," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Speaker presented a communication from the Secretary of State in the words following:

DEPARTMENT OF SECRETARY OF STATE, }  
ALBANY, February 5, 1872. }

HON. HENRY SMITH, *Speaker of the Assembly*:

SIR.—I herewith transmit a report of the statistics of pauperism, drawn from the returns made from the several counties of the State, for the year ending November 30, 1871.

Very respectfully,

G. HILTON SCRIBNER,

*Secretary of State.*

*Ordered*, That said report be laid on the table and printed.

(*See Doc. No. 48.*)

In connection therewith, Mr. Smyth offered the following :

*Resolved*, That 1,000 copies of the annual report of the Secretary of State on the Poor Statistics of the State be printed for the use of the Secretary.

*Ordered*, That said resolution be referred to the committee on public printing.

This being the day assigned by the rules for the consideration of the general orders, the House resolved itself into a committee of the whole on the bills entitled as follows :

"An act to authorize the Canal Appraisers to hear and determine the claim of John Tyrrell and James Tyrrell, for the loss of their canal-boat Barney Bird, of Verona Landing, occasioned by the break in the Erie canal, at or near Fairport, in the spring of 1871, and to award damages for the same."

"An act to amend section 2 of chapter 545 of the Laws of 1865, in relation to the jurisdiction of justice of the peace of the village of Canton."

"An act to provide for the speedy construction of sewers in a certain portion of the city of Brooklyn."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Bennett, from said committee, reported that they had stricken out the enacting clause of the first named bill, and instructed the chairman to report that fact to the House ; which report was agreed to.

Mr. Bennett, from said committee, also reported in favor of the passage of said second and third mentioned bills, the third mentioned with amendments ; which report was agreed to, and said bills ordered engrossed for a third reading.

By unanimous consent,

Mr. Knapp, from the committee on petitions of aliens, to which was referred the petition of Henry Eisner, praying for release of lands in Sullivan county, State of New York, escheated to the State, reported by a bill entitled "An act to release the interest of the people of the State of New York in and to certain lands in Sullivan county to Henry Eisner," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

By unanimous consent,

Mr. Knapp, from the committee on petitions of aliens, to which was referred the petition of William Butcher, praying for the release of the interests of the State in certain lands owned by Hannah Jane Butcher, deceased, reported by a bill entitled "An act releasing the interests of the State in certain lands, of which Hannah Jane Butcher died possessed, to William Butcher, her surviving husband," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

By unanimous consent,

Mr. Knapp, from the committee on petitions of aliens, to which was referred the bill entitled "An act to confirm the title of certain persons to real estate questioned by reason of alienage of former owners," reported in favor of the passage of the same ; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Knapp, from the committee on petitions of aliens, to which was referred the petition of Mary Whelealeam, praying for release of certain



lands situate in the town of Canandaigua, Ontario county, reported by bill entitled "An act to release to Mary Wheleleam the real estate of which John Wheleleam died seized, in the town of Canandaigua, county of Ontario," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

By unanimous consent,

Mr. Knapp, from the committee on petitions of aliens, to which was referred the Senate bill entitled "An act to release the interest of the people of the State of New York in and to certain lands in Oneida county to George A. Reynolds," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

On motion of Mr. Prince, and by unanimous consent,

*Resolved* (if the Senate concur), That a respectful message be sent to His Excellency the Governor asking the return of the Assembly bill No. 45, entitled "An act to authorize the village of Flushing, Queens county, to borrow money and issue bonds therefor for the purpose of paying the floating indebtedness of said village, and for the general improvement thereof," for correction.

By unanimous consent, Mr. Mackay introduced a bill entitled "An act relative to laws relating to local improvements in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to incorporate the Manhattan Accommodation Company."

"An act to amend the charter of the village of Potsdam."

"Concurrent resolutions relative to the adoption of the fifteenth amendment to the Federal Constitution."

And after some time spent therein Mr. Speaker resumed the chair, and Mr. Twombly, from said committee, reported progress on the first mentioned bill, and asked and obtained leave to sit again.

Mr. Twombly, from said committee, also reported in favor of the passage of said second mentioned bill, with amendments; which report was agreed to, and said bill ordered engrossed to a third reading.

Mr. Twombly, from said committee, also reported progress on said concurrent resolutions, and asked and obtained leave to sit again.

Mr. Alvord moved that said resolutions be made a special order for this evening at 7½ o'clock.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The private secretary of the Governor appeared in the Assembly Chamber and presented a communication from the Governor, relating to the assessment of taxes in the State of New York, prepared by the the Commissioners on Taxation, under an act of the Legislature passed May, 1871.

Mr. Jacobs moved that said message and accompanying document be printed and referred to the committee on ways and means.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By unanimous consent,

Mr. Wyman, from the committee on manufacture of salt, to which was referred the bill entitled "An act to amend chapter 346 of the Laws of

1859, entitled 'An act concerning the salt springs and the manufacture of salt, passed April 15, 1859,' reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Loughran, from the committee on public health, to which was referred the bill entitled "An act to establish a board of health and of vital statistics in the county of Richmond, and to define its powers and duties," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. I. D. Brown dissented from said report.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

Senate, "An act to incorporate the Delhi Water Company."

"An act relating to the New York and Long Island Ferry Company."

"An act to divide the county of Sullivan into two school commissioner districts."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Couchman, from said committee, reported in favor of the passage of said first mentioned bill, with amendments; which report was agreed to, and said bill ordered to a third reading.

Mr. Couchman, from said committee, also reported in favor of the passage of said second and third mentioned bills; which report was agreed to, and said bills ordered engrossed for a third reading.

By unanimous consent, Mr. Morton introduced a bill entitled "An act to amend an act entitled 'An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same,' passed April 17, 1854," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

On motion of Mr. Morton said bill was ordered printed immediately.

Mr. Fort moved that the bill entitled "An act ceding jurisdiction to the United States over certain lands in the counties of Niagara and Erie that may be occupied for the construction and maintenance of a ship canal around the falls of Niagara," be recommitted to the committee on canals, retaining its place on general orders.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

Senate, "An act to amend an act passed April 22, 1862, entitled 'An act to incorporate the union home and school for the education and maintenance of the children of volunteers,' and the acts amendatory thereof, passed March 30, 1866."

Senate, "An act to amend chapter 156 of the Laws of 1868, entitled 'An act to incorporate the village of Greenport, Suffolk county.'"

"An act to amend an act entitled 'An act to renew and amend an act entitled An act relative to the General Society of Mechanics and Tradesmen of the city of New York,' passed April 1, 1856."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Lynde, from said committee, reported in favor of the passage of said first and second mentioned bills; which report was agreed to, and said bills ordered to a third reading.

Mr. Lynde, from said committee, also reported progress on said third mentioned bill, and asked and obtained leave to sit again.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act in relation to the manufacture, quality and inspection of illuminating gas."

"An act to extend the operation and effect of the act passed February 17, 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' and entitled, as the title of said act was amended by an act passed April 28, 1866, 'An act to authorize the formation of corporations for manufacturing, mining, mechanical, chemical, agricultural, horticultural, medical or curative, mercantile or commercial purposes.'"

"An act to amend an act entitled 'An act to incorporate the Bushwick and Newtown Bridge and Turnpike Road Company,' passed April 26, 1836."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Rose, from said committee, reported progress on said first mentioned bill, and asked leave to sit again.

On motion of Mr. West, said bill was recommitted to the committee on trade and manufactures, retaining its place on general orders, and that said committee report it back to the House within ten days.

Mr. Rose, from said committee, also reported in favor of the passage of said second mentioned bill; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Rose, from said committee, also reported progress on said third mentioned bill, and asked and obtained leave to sit again.

The House then resolved itself into a committee of the whole on the bills entitled as follows:

"An act to incorporate the Onondaga County Milk Association."

"An act for the relief of John N. Dunn and Eliphalet J. Swain."

"An act to reorganize the local government of the city of New York."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Eastman, from said committee, reported in favor of the passage of said first and second mentioned bills; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Eastman, from said committee, also reported progress on said third mentioned bill, and asked and obtained leave to sit again.

Mr. Alvord moved that said bill be made a special order for Tuesday morning next, immediately after reading the journal.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

By unanimous consent, Mr. Husted offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That 250 copies of the report of the Canal Appraisers, under resolution of the Assembly of January 11, 1872, be printed, with paper covers, for the use of the Canal Appraisers.

*Ordered*, That said resolution be referred to the committee on public printing.

By unanimous consent, Mr. Husted offered for the consideration of the House a resolution, in the words following, to wit:



*Resolved*, That 1,500 copies of the annual report of the Secretary of State on the criminal statistics of the State, be printed for the use of the Secretary.

*Ordered*, That said resolution be referred to the committee on public printing.

On motion of Mr. Husted, and by unanimous consent,

*Resolved*, That in commemoration of the death of Hon. Wm. M. Ely, the Clerk be directed to have the space back of the Speaker's chair draped in mourning for the remainder of the session.

The Senate returned the bill entitled as follows :

"An act to authorize the county treasurer of Kings county to designate one of his assistants to act as deputy in his absence."

*Ordered*, That the Clerk deliver said bill to the Governor.

On motion of Mr. Alvord, at 2 o'clock and 5 minutes, the House took a recess until 7½ o'clock.

## HALF-PAST SEVEN O'CLOCK P. M.

The House again met.

Mr. Speaker announced the special order, being the "Concurrent resolutions relative to the fifteenth amendment to the Federal Constitution."

On motion of Mr. Fields, and by unanimous consent, the bill entitled "An act to amend an act entitled 'An act to renew and amend an act entitled An act relative to the General Society of Mechanics and Tradesmen of the city of New York,' passed April 1, 1856," was ordered considered in the same committee of the whole.

The House again resolved itself into a committee of the whole on the above mentioned bill, and said concurrent resolutions.

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Morton, from said committee, reported in favor of the passage of said bill, with amendments; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Morton, from said committee, also reported in favor of the passage of said concurrent resolutions, with an amendment.

The question being upon agreeing to said report,

Mr. Jacobs moved to amend said report by amending the preamble as amended by the committee on the judiciary, striking therefrom the following words :

"*And whereas*, The action of the Legislature of 1870, in entertaining and adopting the said preamble and resolution is deemed an unwarranted assumption of authority over a subject-matter not within its prerogatives."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

{ AYES 20 }  
{ NOES 67 }

Those who voted in the affirmative, were

|             |          |             |         |                |
|-------------|----------|-------------|---------|----------------|
| Buell       | Dunphy   | A. L. Hayes | Jacobs  | Ray            |
| Chamberlain | Foley    | Healy       | Moseley | Roche          |
| Cook        | Gregory  | A. Hill     | Oakley  | M. M. Tompkins |
| Couchman    | Haughton | D. B. Hill  | Prince  | Twombly        |

Those who voted in the negative, were

|             |            |            |            |                 |
|-------------|------------|------------|------------|-----------------|
| Abbott      | Goring     | Knapp      | Paige      | Springsted      |
| Alvord      | Greenhalgh | Knettles   | Pell       | Strahan         |
| Badeau      | Griffin    | Lewis      | Preston    | Swain           |
| Baltz       | Hart       | Lincoln    | Rice       | D. Tomkins      |
| Berri       | Hawkins    | Lippitt    | Rose       | Tucker          |
| E. E. Brown | Herrick    | G. P. Lord | Sage       | A. L. Van Dusen |
| I. D. Brown | Holdridge  | Lott       | Shepardson | West            |
| Burns       | Hollister  | Mackay     | Simson     | Whitbeck        |
| Burritt     | Houghton   | Marcy      | Smiley     | White           |
| Crandall    | Hungerford | Moore      | Smith      | Whitaker        |
| Davidson    | Husted     | Morton     | Smyth      | Woodward        |
| Dykeman     | Hyatt      | Moulton    | Sniper     | Wyman           |
| Fort        | Judd       | Niles      | Speaker    | Yeomans         |
| Fowler      | Kingsland  |            |            |                 |

Mr. Speaker then put the question whether the House would agree to said report of the committee, and it was determined in the affirmative.

The question then being on the passage of the resolutions,

Mr. Jacobs having called for a division of the question,

Mr. Speaker stated the question to be on the adoption of the preamble, in the words following:

“Whereas, The Legislature of the State of New York, at its annual session in 1870, adopted a preamble and resolutions in the words and figures following, to wit:

“Whereas, At the last session of the Legislature of this State a preamble and concurrent resolution were adopted in the words and figures following, to wit:

“Whereas, At the session of the fortieth Congress it was resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, that the following article shall be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which amendment, when it shall have been ratified by three-fourths of the said Legislatures, shall be valid, to all intents and purposes, as a part of the said Constitution, namely:

#### “ARTICLE FIFTEEN.

“1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

“2. The Congress shall have power to enforce this article by appropriate legislation.

“Therefore, Resolved (if the Assembly concur), That the said proposed amendment to the Constitution be, and the same is hereby ratified by the Legislature of the State of New York.

“And whereas, The proposed Fifteenth Amendment, above recited, has not been ratified by the Legislatures of three-fourths of the several States, and has not become a part of the Constitution of the United States; and whereas the State of New York, represented in the Legislature here now assembled, desire to withdraw the consent expressed in the above recited concurrent resolutions;

“Now, therefore, be it Resolved (if the Assembly concur), That the above recited concurrent resolution be, and it is hereby repealed, rescinded, and annulled.

“And be it further Resolved (if the Assembly concur), That the Legislature of the State of New York refuse to ratify the above recited pro-

posed Fifteenth Amendment to the Constitution of the United States, and withdraw absolutely any expression of consent heretofore given thereto or ratification thereof.

“ *Be it further Resolved* (if the Assembly concur), That the Governor be requested to transmit a copy of these resolutions and preamble to the Secretary of State of the United States at Washington, and to every member of the Senate and House of Representatives of the United States, and the Governors of the several States.”

“ *And whereas*, The said preamble and resolutions were transmitted to and are now on file in the Department of State at Washington, purport to withdraw the assent of the people of the State of New York to the Fifteenth Amendment to the Federal Constitution, previously given by the Legislature of this State, to which said amendment had been regularly proposed; and whereas the action of the Legislature of 1870, in entertaining and adopting the said preamble and resolution, is deemed an unwarranted assumption of authority over a subject-matter not within its prerogatives.

“ *And whereas*, It is desirable that the record of the State of New York shall be clear and unequivocal in favor of the said Fifteenth Amendment, therefore,”

Mr. Speaker put the question whether the House would agree to the said preamble, and it was determined in the affirmative.

{ AYES 63 }  
{ NOES 19 }

Those who voted in the affirmative, were

|             |            |            |            |                 |
|-------------|------------|------------|------------|-----------------|
| Abbott      | Fowler     | Knapp      | Preston    | Strahan         |
| Alvord      | Goring     | Knottles   | Rice       | Swain           |
| Badeau      | Greenhalgh | Lewis      | Rose       | D. Tomkins      |
| Baltz       | Griffin    | Lincoln    | Sage       | Tucker          |
| Berri       | Hart       | Lippitt    | Shepardson | Twombly         |
| E. E. Brown | Herrick    | G. P. Lord | Simson     | A. L. Van Dusen |
| I. D. Brown | Holdridge  | Lott       | Smiley     | West            |
| Burns       | Hollister  | Mackay     | Smith      | White           |
| Burritt     | Houghton   | Marcy      | Smyth      | Whitaker        |
| Crandall    | Hungerford | Moore      | Sniper     | Woodward        |
| Davidson    | Husted     | Morton     | Speaker    | Wyman           |
| Dykeman     | Hyatt      | Paige      | Springsted | Yeomans         |
| Fort        | Kingsland  | Pell       |            |                 |

Those who voted in the negative, were

|             |             |            |         |                |
|-------------|-------------|------------|---------|----------------|
| Buell       | Dunphy      | Healy      | Moseley | Ray            |
| Chamberlain | Foley       | A. Hill    | Moulton | Roche          |
| Cook        | Haughton    | D. B. Hill | Oakley  | M. M. Tompkins |
| Couchman    | A. L. Hayes | Jacobs     | Prince  |                |

Mr. Speaker then stated the question to be on the adoption of the following resolutions:

*Resolved* (if the Assembly concur), That the Secretary of the Department of State at Washington be and he is hereby requested (if not inconsistent with the rules and regulations of his Department) to return to the Governor of this State the preamble and resolutions of the Legislature of this State, passed in 1870, and now on file in his office, which purport to withdraw the assent of the people of this State to the adoption of the Fifteenth Amendment of the Federal Constitution.

*Resolved* (if the Assembly concur), That the Governor be and he is hereby requested to transmit a copy of this preamble and the resolutions accompanying the same to the Secretary of State of the United States.



*Resolved* (if the Assembly concur), That the preamble and resolutions adopted by the Legislature of this State in 1870, purporting to withdraw the assent of the people of this State previously given to the Fifteenth Amendment of the Federal Constitution, be and the same are hereby rescinded.

Mr. Speaker then put the question whether the House would agree to said resolutions, and it was determined in the affirmative.

{ AYES 71 }  
{ NOES 13 }

Those who voted in the affirmative, were

|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| Abbott      | Goring      | Kingsland  | Paige      | Springsted      |
| Alvord      | Greenhalgh  | Knapp      | Pell       | Strahan         |
| Badeau      | Griffin     | Knettes    | Preston    | Swain           |
| Baltz       | Hart        | Lewis      | Prince     | D. Tomkins      |
| Berri       | A. L. Hayes | Lincoln    | Rice       | Tucker          |
| E. E. Brown | Healy       | Lippitt    | Rose       | Twombly         |
| I. D. Brown | Herrick     | G. P. Lord | Sage       | A. L. Van Dusen |
| Burns       | Holdridge   | Lott       | Shepardson | West            |
| Burritt     | Hollister   | Mackay     | Simson     | Whitbeck        |
| Crandall    | Houghton    | Marcy      | Smiley     | White           |
| Davidson    | Hungerford  | Moore      | Smith      | Whitaker        |
| Dykeman     | Husted      | Morton     | Smyth      | Woodward        |
| Foley       | Hyatt       | Moulton    | Sniper     | Wyman           |
| Fort        | Jacobs      | Niles      | Speaker    | Yeomans         |
| Fowler      |             |            |            |                 |

Those who voted in the negative, were

|             |          |            |        |                |
|-------------|----------|------------|--------|----------------|
| Buell       | Couchman | A. Hill    | Oakley | Roche          |
| Chamberlain | Dunphy   | D. B. Hill | Ray    | M. M. Tompkins |
| Cook        | Haughton | Moseley    |        |                |

*Ordered*, That the Clerk return said preamble and resolutions to the Senate, with a message informing that the Assembly have passed the same.

On motion of Mr. Alvord, at 9 o'clock and 55 minutes, the House adjourned.

FRIDAY, FEBRUARY 9, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Hulburd.

The journal of yesterday was read and approved.

The Senate returned the concurrent resolution, recalling from the Governor Assembly bill entitled "An act to authorize the village of Flushing, Queens county, to borrow money and issue bonds therefor, for the purpose of paying the floating indebtedness of said village, and for the general improvement thereof," for amendment.

A message from the Senate was received and read, informing of concurrence in the passage of the following entitled bills:

"An act to authorize the election of an additional justice of the peace in the town of Manlius, in the county of Onondaga."

"An act relative to lands held in trust by Harry G. Moore for the benefit of Nehemiah Denton and his descendants."

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Blair rose to a question of privilege, and stated that had he been present when the question was taken upon the passage of the preamble and resolutions relative to the adoption of the fifteenth amendment to the Federal Constitution, he should have voted in the negative.

Mr. Smyth, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend section 2, of chapter 545, of the Laws of 1865, in relation to the jurisdiction of justice of the peace of the village of Canton."

"An act to provide for the speedy construction of sewers in a certain portion of the city of Brooklyn."

"An act to amend the charter of the village of Potsdam."

"An act relating to the New York and Long Island Ferry Company."

"An act to divide the county of Sullivan into two school commissioner districts."

"An act to extend the operation and effect of the act passed February 17, 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' and entitled, as the title of said act was amended by an act passed April 28, 1866, 'An act to authorize the formation of corporations for manufacturing, mining, mechanical, chemical, agricultural, horticultural, medical or curative, mercantile or commercial purposes.'"

"An act to incorporate the Onondaga county Milk Association."

"An act for the relief of John N. Dunn and Eliphalet J. Swain."

"An act to amend an act entitled 'An act to renew and amend an act entitled An act relative to the General Society of Mechanics and Tradesmen of the city of New York,' passed April 1, 1856."

The Senate returned the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Port Richmond,' passed April 24, 1866," with a message that they had concurred in the passage of the same.

*Ordered*, That the Clerk deliver said bill to the Governor.

The Senate returned the bill entitled "An act to amend an act entitled 'An act to authorize the trustees of the village of Ellenville to borrow money for the purpose of introducing water into the village, and to control and regulate the use of the same,' passed April 5, 1866, and supplemental thereto," with a message that they had concurred in the passage of the same with the following amendments:

Section 3, line 2, after the word "bonds," insert the words "at not less than par;" same section, line 7, after the word "same," insert the words "at not less than par."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

|        |         |            |         |            |
|--------|---------|------------|---------|------------|
| Alvord | Eastman | Hollister  | Moseley | Speaker    |
| Badeau | Fields  | Houghton   | Moulton | Springsted |
| Bemus  | Foley   | Hungerford | Paige   | Strahan    |

|             |             |            |         |                 |
|-------------|-------------|------------|---------|-----------------|
| Berri       | Fort        | Husted     | Peck    | Swain           |
| Blair       | Fowler      | Hyatt      | Pell    | D. Tomkins      |
| E. E. Brown | Goring      | Jacobs     | Preston | M. M. Tompkins  |
| I. D. Brown | Gregory     | Knapp      | Prince  | A. L. Van Dusen |
| Buell       | Griffin     | Knettles   | Ray     | W. J. Van Dusen |
| Burns       | Haight      | Lewis      | Rice    | Wells           |
| Burritt     | Hart        | Lincoln    | Roche   | West            |
| Carroll     | Haughton    | G. P. Lord | Rose    | White           |
| Cook        | Hawkins     | Lott       | Sage    | Whitaker        |
| Couchman    | A. L. Hayes | Lynde      | Simson  | Woodward        |
| Crandall    | Healy       | Mackay     | Smiley  | Woolsey         |
| Davidson    | Herrick     | Marcy      | Smith   | Wyman           |
| Dunphy      | A. Hill     | Moore      | Sniper  | Yeomans         |
| Dykeman     | D. B. Hill  | Morton     |         |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to authorize the election of a police justice in and for the village of Flushing, Queens county, and to prescribe his duties and compensation, and regulating charges in criminal proceedings in said village," with a message that they had concurred in the passage of the same, with the following amendment:

Section 9, line 8, strike out the word "conclusive" and insert the word "presumptive."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| Alvord      | Eastman     | Houghton   | Moseley    | Sniper          |
| Badeau      | Fields      | Hungerford | Mosher     | Speaker         |
| Bemus       | Fort        | Husted     | Moulton    | Springsted      |
| Berri       | Frear       | Hyatt      | Paige      | Strahan         |
| Blair       | Goring      | Jacobs     | Pell       | Swain           |
| E. E. Brown | Gregory     | Kingsland  | Preston    | D. Tomkins      |
| I. D. Brown | Griffin     | Knapp      | Prince     | M. M. Tompkins  |
| Buell       | Haight      | Knettles   | Ray        | A. L. Van Dusen |
| Burns       | Hart        | Lewis      | Rice       | W. J. Van Dusen |
| Burritt     | Haughton    | Lincoln    | Rose       | West            |
| Carroll     | Hawkins     | G. P. Lord | Sage       | White           |
| Cook        | A. L. Hayes | Lott       | Shepardson | Whitaker        |
| Couchman    | Herrick     | Lynde      | Simson     | Woodward        |
| Crandall    | A. Hill     | Mackay     | Smiley     | Woolsey         |
| Davidson    | D. B. Hill  | Marcy      | Smith      | Wyman           |
| Dunphy      | Holdridge   | Moore      | Smyth      | Yeomans         |
| Dykeman     | Hollister   | Morton     |            |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

The Senate returned the bill entitled "An act to provide for supplying the village of Flushing, Queens county, with pure and wholesome water," with a message that they had concurred in the passage of the same, with the following amendments:

Section 3, line 29, engrossed bill, after the word "report" insert the words "ten days notice in writing of the time and place of the presentation of said report shall be given to the parties interested."



Section 5, line 14, engrossed bill, after the word "expedient" insert the words "and shall not be sold for less than par."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

|             |             |            |            |                |
|-------------|-------------|------------|------------|----------------|
| Abbott      | Eastman     | D. B. Hill | Marcy      | Smith          |
| Badeau      | Fields      | Holdridge  | Moore      | Sniper         |
| Bemus       | Foley       | Hollister  | Morton     | Speaker        |
| Blair       | Fort        | Houghton   | Moseley    | Springsted     |
| E. E. Brown | Fowler      | Hungerford | Moulton    | Tilden         |
| I. D. Brown | Frear       | Hyatt      | Niles      | Tobey          |
| Buell       | Gregory     | Jacobs     | Paige      | D. Tomkins     |
| Burns       | Griffin     | Kingsland  | Peck       | M. M. Tompkins |
| Burritt     | Haight      | Knapp      | Pell       | Whitbeck       |
| Campbell    | Haughton    | Knettlies  | Preston    | White          |
| Chamberlain | Hawkins     | Lewis      | Prince     | Whitaker       |
| Cook        | A. L. Hayes | Lincoln    | Ray        | Woodward       |
| Crandall    | J. Hayes    | G. P. Lord | Rice       | Woolsey        |
| Davidson    | Healy       | Lott       | Rose       | Wyman          |
| Dunphy      | Herrick     | Lynde      | Shepardson | Yeomans        |
| Dykeman     | A. Hill     | Mackay     | Simson     |                |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled as follows:

"An act to amend an act entitled 'An act to amend an act to incorporate the Savings Bank of the city of Utica,' passed April 26, 1839, passed April 11, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

A message was received from the Governor in words following:

EXECUTIVE CHAMBER, }  
ALBANY, February 9, 1872. }

*To the Assembly:*

In compliance with the joint resolution of the Senate and Assembly, I return herewith for correction, Assembly bill No. 45, entitled "An act to authorize the village of Flushing, Queens county, to borrow money and issue bonds therefor, for the purpose of paying the floating indebtedness of said village and for the general improvement thereof."

JOHN T. HOFFMAN.

Mr. Prince moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

|        |          |            |         |            |
|--------|----------|------------|---------|------------|
| Abbott | Davidson | Houghton   | Moulton | Speaker    |
| Alvord | Dykeman  | Hungerford | Paige   | Springsted |
| Badeau | Eastman  | Hyatt      | Peck    | Strahan    |

|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| Bemus       | Foley       | Jacobs     | Pell       | Swain           |
| Berri       | Fort        | Kingsland  | Preston    | D. Tomkins      |
| Blair       | Fowler      | Knapp      | Prince     | Twombly         |
| E. E. Brown | Gregory     | Lewis      | Ray        | A. L. Van Dusen |
| I. D. Brown | Griffin     | Lincoln    | Rice       | Wells           |
| Buell       | Haughton    | G. P. Lord | Roche      | West            |
| Burns       | Hawkins     | Lott       | Rose       | Whitbeck        |
| Burritt     | A. L. Hayes | Lynde      | Sage       | White           |
| Carroll     | Healy       | Mackay     | Shepardson | Whitaker        |
| Chamberlain | Herrick     | Marcy      | Smiley     | Woodward        |
| Cook        | D. B. Hill  | Moore      | Smith      | Woolsey         |
| Couchman    | Holdridge   | Morton     | Smyth      | Yeomans         |
| Crandall    | Hollister   | Mosher     | Sniper     |                 |

On motion of Mr. Prince, and by unanimous consent, said bill was amended by adding at the end of section 1, the words "and shall be issued and sold by said trustees at not less than par."

Said bill, as amended, was then read a third time and passed.

Mr. Speaker then put the question whether the House would agree to the final passage of said bill, as amended, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| Abbott      | Davidson    | Houghton   | Moulton    | Springsted      |
| Alvord      | Dykeman     | Hungerford | Paige      | Strahan         |
| Badeau      | Eastman     | Hyatt      | Peck       | Swain           |
| Bemus       | Foley       | Kingsland  | Pell       | D. Tomkins      |
| Berri       | Fort        | Knapp      | Preston    | M. M. Tompkins  |
| Blair       | Fowler      | Lewis      | Prince     | Twombly         |
| E. E. Brown | Gregory     | Lincoln    | Ray        | A. L. Van Dusen |
| I. D. Brown | Griffin     | G. P. Lord | Roche      | Wells           |
| Buell       | Hart        | Lott       | Rose       | West            |
| Burns       | Haughton    | Lynde      | Sage       | Whitbeck        |
| Burritt     | Hawkins     | Mackay     | Shepardson | White           |
| Carroll     | A. L. Hayes | Marcy      | Smiley     | Whitaker        |
| Chamberlain | Healy       | Moore      | Smith      | Woolsey         |
| Cook        | Herrick     | Morton     | Smyth      | Wyman           |
| Couchman    | D. B. Hill  | Moseley    | Sniper     | Yeomans         |
| Crandall    | Holdridge   | Mosher     | Speaker    |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

Mr. Bemus presented two petitions of the citizens of Cattaraugus and Chautauqua counties for aid in draining the Conewango swamp lands; which were read and referred to the committee on ways and means.

Mr. Hawkins presented a petition of Alexander Taylor and Halsey W. Knapp, executors, etc., in regard to a claim against the city of New York; which was read and referred to the committee on the affairs of cities.

Mr. Alvord presented a remonstrance of E. W. Leavenworth, President, against the passage of the savings bank bill; which was read and referred to the committee on banks.

Mr. G. P. Lord presented two petitions of the citizens of Yates county against legislative interference with the management of the Erie Railway Company; which were read and referred to the committee on railroads.

Mr. Berri presented a petition of the citizens of the city of Brooklyn

against the laying of railroad tracks in Nostrand and Putnam avenues and Halsey street; which was read and referred to the committee on railroads.

Mr. Moseley presented a memorial of the common council of the city of Brooklyn in relation to the observance of the eight hour law by the various commissions in that city; which was read and referred to the committee on trades and manufactures.

Mr. Mosher presented a petition of the citizens of West Troy for the erection of an iron bridge over the Erie canal at West Troy, in the county of Albany; which was read and referred to the committee on canals.

Mr. White presented a petition of the committee of fifty for the removal of the commissioners of the water board of the city of Brooklyn; which was read and referred to the committee on the affairs of cities.

Mr. Shepardson presented a remonstrance of sixty-two firemen and citizens of the village of Sherburne, in the county of Chenango, against exempting foreign insurance companies from the payment of the percentage which they are now required to pay to the several firemen benevolent associations on the amount of premiums where such associations are formed; which was read and referred to the committee on insurance.

Mr. Yeomans presented a petition of the trustees of the Palmyra Classical Union School for an increase of the Literature Fund; which was read and referred to the committee on public education.

Messrs. Fort, I. D. Brown and Swain, severally, presented remonstrances against Senate bill No. 20, entitled "An act to amend an act relating to the construction of the Lake Ontario Shore railroad, and to amend the several acts in relation thereto," passed March 17, 1871; which were read and referred to the committee on railroads.

Messrs. Smith, Woolsey, West, Houghton, Chamberlain, Pell, Blair, Cook, Whitbeck, Roche, Morton and Ray, severally, presented petitions from various parts of the State in favor of the Beach Pneumatic railway; which were read and referred to the committee on railroads.

Mr. Moseley presented a petition of owners of real estate in the city of Brooklyn and the towns of Flatbush and Gravesend, for the passage of the act for the relief of the Coney Island and Brooklyn Railroad Company; which was read and referred to the committee on railroads.

Mr. Herrick presented a petition relative to authorizing the Albany Bridge Company to build a track over the old railroad bridge over the Hudson river; which was read and referred to the committee on railroads.

Mr. Whitbeck presented a remonstrance of citizens of Peekskill against the water bill; which was read and referred to the committee on the affairs of villages.

Also, a petition of Samuel B. Palmer and others in favor of the retirement of the capital stock of certain life insurance companies, to the end that they may become mutual companies; which was read and referred to the committee on insurance.

Mr. A. Hill presented a petition of Lewis Sherrill and others to erect the village of Greenville into a separate road district; which was read and referred to the committee on roads and bridges.

Mr. Davidson presented a petition to change and fix the number of trustees of the Attica Union Free School and Academy at six; which was read and referred to the committee on public education.



Mr. D. Tomkins presented a petition for an act to amend an act entitled "An act to incorporate the Haverstraw Savings Bank, of the town of Haverstraw, in the county of Rockland;" which was read and referred to the committee on banks.

Messrs. Peek and Morton presented petitions for reduced rates of ferriage between Brooklyn, eastern district, and the city of New York; which was read and committed to the committee of the whole.

Mr. Fort presented a petition of Henry A. Foster and fourteen others, attorneys of Oswego county, asking for repeal of chapter 415 Laws of 1871, increasing fees of sheriffs; also, for amendment of section 133 of the Code of Procedure, and remonstrance against an act now introduced for increase of fees of county clerks; which was read and referred to the committee on the judiciary.

Mr. Crandall presented petitions of citizens of Allegany county for regulating fares and freights on the railroads of this State; which was read and referred to the committee on railroads.

Mr. Alvord, from the committee on ways and means, to which was referred the petition of Sarah Wyatt, for an appropriation, reported by bill entitled "An act making an appropriation for Sarah Wyatt, widow of Samuel Wyatt," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Alvord, from the committee on ways and means, to which was referred the bill entitled "An act for the improvement of Sacandaga river," reported adversely thereto, which report was agreed to.

Mr. Alvord, from the committee on ways and means, to which was referred the bill entitled "An act to constitute Chub river a public highway, and improve the same and waters connected therewith, and appropriating money therefor," reported adversely thereto, which report was agreed to.

On motion of Mr. Alvord,

*Resolved*, That the committee of ways and means be discharged from the further consideration of a remonstrance from 100 tax payers of Sandy Creek, Oswego county, against the passage of a law to increase the salaries of county judge and surrogate of Oswego county, and that the same be referred to the judiciary committee of the House.

Mr. Lippitt, from the committee on insurance, to which was referred the bill entitled "An act to regulate the management of insurance companies and the disposal of their assets," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lippitt, from the committee on insurance, to which was referred the Senate bill entitled "An act in relation to the dividends of life insurance companies," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act to authorize the Canal Commissioners to construct a road bridge over the Champlain canal in the village of Fort Edward, in the county of Washington," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the city of Rochester to

borrow money to pay off its debt incurred in the purchase of a site for a free academy, and to issue bonds for the payment thereof," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act authorizing the city of Rochester to borrow money to pay off deficiencies arising from non-payment of taxes and assessments, and to issue its bonds for the payment thereof," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to legalize the issue of certain bonds by the city of Rochester for the purpose of raising money for the relief of sufferers by the Chicago fire," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to legalize the action of the common council of the city of Syracuse in borrowing and donating money to aid the sufferers by fire in Chicago," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the city of Rochester to borrow money to pay off its present debt for arsenal square improvement, and to issue its bonds for the payment of the same," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to repeal section 10, chapter 574, Laws of 1871, of an act entitled 'An act to amend an act entitled An act to reorganize the local government of the city of New York,' passed April 5, 1870; passed April 18, 1871," reported in favor of the passage of the same with an amendment; which report was agreed to and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the Senate bill entitled "An act to establish the tenth ward in the city of Utica," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the Senate bill entitled "An act to legalize certain obligations incurred by the city of Brooklyn," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was recommitted the bill entitled "An act in relation to the location and erection of public buildings for the use of the city of Rochester, retaining its place on third reading of bills, reported in favor of the passage of the same with an amendment; which report was agreed to, and said bill placed on the calendar of third reading of bills.

Mr. West, from the committee on trade and manufactures, to which was referred the bill entitled "An act to repeal an act entitled 'An act in relation to the inspection of steam boilers in the State of New York,



except in the metropolitan police district,' passed June 22, 1867, and all acts amendatory thereof," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. West, from the committee on trade and manufactures, to which was referred the bill entitled "An act to incorporate the Fordham Laundry Company," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. West, from the committee on trade and manufactures, to which was recommitted the bill entitled "An act in relation to the manufacture, quality and inspection of gas," retaining its place on general orders, reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend an act passed July 21, 1853, entitled An act to amend an act to provide for the incorporation of companies to construct plank-roads,' passed May 7, 1847, and the acts amendatory thereof, passed April 14, 1855," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend an act to provide for the incorporation of companies to construct plank-roads and of companies to construct turnpike roads,' passed May 7, 1847, and the acts amendatory thereof," reported adversely thereto, which report was agreed to.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend and extend the charter of the Schoharie Central Bridge Company, and to increase the capital stock of said company for the purpose of building a new bridge," reported adversely thereto, which report was agreed to.

Mr. Yeomans, from the committee on agriculture, to which was referred the bill entitled "An act to incorporate the Dairyman's Association of Perth," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to prolong the time for the payment of the capital stock of the Coxsackie Malleable and Grey Iron Company, and for the execution and recording of the certificate thereof and to legalize the acts of said company," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to legalize the action of the board of supervisors of the county of Schenectady, designating the day of holding town meetings in the county of Schenectady and to make the day of charter election in the city of Schenectady uniform therewith," reported adversely thereto, which report was agreed to.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to amend act entitled 'An act fixing the fees of justices of the peace and constables in civil and criminal cases, and the



fees of jurors and witnesses in justices' courts and for other purposes,' passed April 20, 1866," reported adversely thereto, which report was agreed to.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to confirm the title of Francis Melvin to certain land in the city of Brooklyn," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act relative to moneys deposited with public officers," reported adversely thereto, which report was agreed to.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to authorize the formation of companies for the erection of buildings,' passed April 5 1853, passed May 10, 1870," reported adversely thereto, which report was agreed to.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to increase the number of judges of the city court of Brooklyn, and to regulate the civil and criminal jurisdiction thereof,' passed April 28, 1870," reported in favor of the passage of the same, with an amendment; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes, passed April 20, 1866," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the village of Canandaigua, and to provide a police justice and police constables in said village, and defining their jurisdiction, power and duties," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes,' passed April 20th, 1866," reported adversely thereto, which report was agreed to.

Mr. Prince, from the committee on the judiciary, to which was referred the Senate bill entitled "An act to extend the time for the collection of taxes in the towns of Jamaica, Hempstead, North Hempstead and Oyster Bay, county of Queens," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the Senate bill entitled "An act to amend an act entitled 'An act in relation to stenographers in the circuit courts, courts of oyer and terminer, and special terms of the supreme court, in the sixth, seventh and eighth judicial districts,'" reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. D. B. Hill, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the qualification of jurors in criminal cases, and to peremptory challenges in capital cases," reported in favor of the passage of the same with amendments, and title amended so as to read "An act in relation to challenges of jurors in criminal cases," which report was agreed to, and said bill committed to the committee of the whole.

On motion of Mr. Prince, the judiciary committee was discharged from the further consideration of the bill entitled "An act to amend an act entitled 'An act to incorporate the New York Life Insurance and Trust Company, passed March 9, 1830, and the act amendatory thereof,' passed May 2, 1834," and the same was referred to the committee on banks.

The Clerk announced the following appointments :

Austin K. Hoyt, of Onondaga, as deputy clerk in the place of John G. Dunn, resigned.

William W. Vedder, messenger.

Mr. Strahan, from the committee on privileges and elections, reported papers and testimony in the matter of Frederick Kilian, contestant for the seat of Alexander Frear as member of Assembly of the fifteenth district of the county of New York; which was laid on the table and ordered printed.

(See Doc. No. 50.)

Mr. Speaker announced the appointment of the following additional reporters:

A. A. Keyes, Albany Morning Express.

M. H. Northrup, Syracuse Daily Courier.

Lyman B. Smith, Buffalo Courier.

George Levi, Troy Daily Whig.

W. A. McKinney, Newburgh Daily Journal.

S. C. Hutchins, Rochester Democrat and Chronicle.

R. L. Drummond, Oswego Daily Press.

H. B. Baxter, Binghamton Republican.

The Senate returned the bill entitled "An act to amend an act entitled 'An act authorizing the town of Naples to raise eight thousand dollars by tax, to build a town and soldiers' Memorial Hall,' passed April 16, 1869," with a message that they had passed the same with the following amendments:

Section 1, line 4, engrossed bill, strike out the word "said" and insert the word "the" in lieu thereof.

Same section, line 5, after the words "sixty-nine," insert the words "entitled an act authorizing the town of Naples to raise eight thousand dollars by tax, to build a town and soldiers' Memorial Hall," passed April 16, 1869.

Section 3, line 2, insert the words "as provided by said act," after the word "manner," at the end of said line.

Amend the title so as to read as follows: "An act authorizing and requiring the town of Naples, Ontario county, to raise a further sum of money to provide for the completion and furnishing of the town and soldiers' Memorial Hall in said town."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 2 }

Those who voted in the affirmative, were

|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| Abbott      | Fields      | Hollister  | Morton     | Springsted      |
| Badeau      | Foley       | Houghton   | Mosher     | Strahan         |
| Bemus       | Fort        | Hungerford | Moulton    | Swain           |
| Berri       | Fowler      | Husted     | Preston    | D. Tomkins      |
| Blair       | Frear       | Hyatt      | Prince     | M. M. Tompkins  |
| E. E. Brown | Gregory     | Jacobs     | Ray        | A. L. Van Dusen |
| I. D. Brown | Griffin     | Kingsland  | Rice       | W. J. Van Dusen |
| Buell       | Haight      | Knapp      | Rose       | Vedder          |
| Burns       | Hart        | Knettles   | Sage       | Wells           |
| Burritt     | Haughton    | Lewis      | Shepardson | West            |
| Carroll     | Hawkins     | Lincoln    | Simson     | White           |
| Chamberlain | A. L. Hayes | G. P. Lord | Smiley     | Whitaker        |
| Couchman    | Healy       | Lott       | Smith      | Woodward        |
| Crandall    | Herrick     | Lynde      | Smyth      | Woolsey         |
| Davidson    | A. Hill     | Mackay     | Sniper     | Wyman           |
| Dykeman     | D. B. Hill  | Marcy      | Speaker    | Yeomans         |
| Eastman     | Holdridge   | Moore      |            |                 |

Those who voted in the negative, were

Cook                      Pell

*Ordered,* That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The bill entitled "An act to amend section 2 of chapter 545 of the Laws of 1865, in relation to the jurisdiction of justice of the peace of the village of Canton," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

|             |             |            |         |                 |
|-------------|-------------|------------|---------|-----------------|
| Alvord      | Fields      | Houghton   | Morton  | Speaker         |
| Badeau      | Fort        | Hungerford | Moseley | Springsted      |
| Bemus       | Fowler      | Husted     | Moulton | Strahan         |
| Berri       | Gregory     | Hyatt      | Paige   | Swain           |
| E. E. Brown | Griffin     | Jacobs     | Peck    | D. Tomkins      |
| I. D. Brown | Haight      | Kingsland  | Pell    | M. M. Tompkins  |
| Buell       | Hart        | Knapp      | Preston | A. L. Van Dusen |
| Burns       | Haughton    | Knettles   | Ray     | W. J. Van Dusen |
| Burritt     | Hawkins     | Lewis      | Rice    | Wells           |
| Carroll     | A. L. Hayes | Lincoln    | Roche   | West            |
| Cook        | Healy       | G. P. Lord | Rose    | White           |
| Couchman    | Herrick     | Lott       | Sage    | Whitaker        |
| Crandall    | A. Hill     | Lynde      | Simson  | Woodward        |
| Davidson    | D. B. Hill  | Mackay     | Smith   | Woolsey         |
| Dunphy      | Holdridge   | Marcy      | Smyth   | Wyman           |
| Dykeman     | Hollister   | Moore      | Sniper  | Yeomans         |
| Eastman     |             |            |         |                 |

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to provide for the speedy construction of sewers in a certain portion of the city of Brooklyn," was read a third time.



Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 66 }  
{ NOES 21 }

Those who voted in the affirmative, were

|          |             |            |         |                 |
|----------|-------------|------------|---------|-----------------|
| Abbott   | Eastman     | Herrick    | Moore   | Smith           |
| Badeau   | Fields      | A. Hill    | Morton  | Sniper          |
| Bemus    | Foley       | D. B. Hill | Moseley | Strahan         |
| Blair    | Fowler      | Hollister  | Mosher  | Swain           |
| Buell    | Frear       | Houghton   | Niles   | M. M. Tompkins  |
| Burns    | Goring      | Hyatt      | Oakley  | Twombly         |
| Burritt  | Gregory     | Jacobs     | Peck    | W. J. Van Dusen |
| Carroll  | Griffin     | Kingsland  | Preston | Wells           |
| Cook     | Haight      | G. P. Lord | Ray     | West            |
| Couchman | Haughton    | Lott       | Roche   | Whitbeck        |
| Crandall | Hawkins     | Lynde      | Rose    | Woodward        |
| Davidson | A. L. Hayes | Mackay     | Sage    | Woolsey         |
| Dunphy   | Healy       | Marcy      | Simson  | Yeomans         |
| Dykeman  |             |            |         |                 |

Those who voted in the negative, were

|             |            |         |            |                 |
|-------------|------------|---------|------------|-----------------|
| Alvord      | Hungerford | Moulton | Shepardson | A. L. Van Dusen |
| E. E. Brown | Knapp      | Paige   | Smyth      | White           |
| Fort        | Lewis      | Pell    | Speaker    | Whitaker        |
| Hart        | Lincoln    | Rice    | D. Tomkins | Wyman           |
| Holdridge   |            |         |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend the charter of the village of Potsdam," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| Alvord      | Fort        | Hungerford | Mosher     | Sniper          |
| Badeau      | Fowler      | Husted     | Moulton    | Speaker         |
| Bemus       | Frear       | Hyatt      | Niles      | Springsted      |
| Berri       | Goring      | Jacobs     | Oakley     | Strahan         |
| Blair       | Gregory     | Kingsland  | Paige      | Swain           |
| E. E. Brown | Griffin     | Knapp      | Peck       | M. M. Tompkins  |
| I. D. Brown | Haight      | Knettles   | Pell       | A. L. Van Dusen |
| Buell       | Hart        | Lewis      | Preston    | W. J. Van Dusen |
| Burns       | Haughton    | Lincoln    | Prince     | Wells           |
| Burritt     | Hawkins     | G. P. Lord | Ray        | West            |
| Couchman    | A. L. Hayes | Lott       | Rice       | Whitbeck        |
| Crandall    | Healy       | Lynde      | Rose       | White           |
| Davidson    | Herrick     | Mackay     | Sage       | Whitaker        |
| Dunphy      | A. Hill     | Marcy      | Shepardson | Woodward        |
| Dykeman     | D. B. Hill  | Moore      | Simson     | Woolsey         |
| Eastman     | Holdridge   | Morton     | Smith      | Wyman           |
| Fields      | Hollister   | Moseley    | Smyth      | Yeomans         |
| Foley       | Houghton    |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to incorporate the Delhi Water Company," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| Alvord      | Fields      | Hollister  | Moseley    | Sniper          |
| Badeau      | Foley       | Houghton   | Moulton    | Speaker         |
| Bemus       | Fort        | Hungerford | Niles      | Springsted      |
| Berri       | Fowler      | Hyatt      | Oakley     | Strahan         |
| Blair       | Frear       | Jacobs     | Paige      | Swain           |
| E. E. Brown | Goring      | Kingsland  | Peck       | M. M. Tompkins  |
| I. D. Brown | Gregory     | Knapp      | Pell       | Twombly         |
| Buckley     | Griffin     | Knettles   | Preston    | A. L. Van Dusen |
| Buell       | Haight      | Lewis      | Prince     | W. J. Van Dusen |
| Burns       | Hart        | Lincoln    | Ray        | Wells           |
| Burritt     | Haughton    | G. P. Lord | Rice       | Whitbeck        |
| Cook        | Hawkins     | Lott       | Rose       | White           |
| Couchman    | A. L. Hayes | Lynde      | Sage       | Whitaker        |
| Crandall    | Herrick     | Mackay     | Shepardson | Woodward        |
| Davidson    | A. Hill     | Marcy      | Simson     | Woolsey         |
| Dunphy      | D. B. Hill  | Moore      | Smith      | Wyman           |
| Dykeman     | Holdridge   | Morton     | Smyth      | Yeomans         |
| Eastman     |             |            |            |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act relating to the New York and Long Island Ferry Company," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| Alvord      | Fort        | Hungerford | Moulton    | Speaker         |
| Bemus       | Fowler      | Husted     | Niles      | Springsted      |
| Berri       | Frear       | Hyatt      | Oakley     | Strahan         |
| Blair       | Goring      | Jacobs     | Paige      | Swain           |
| E. E. Brown | Gregory     | Kingsland  | Peck       | M. M. Tompkins  |
| I. D. Brown | Griffin     | Knapp      | Pell       | Twombly         |
| Buell       | Haight      | Knettles   | Preston    | A. L. Van Dusen |
| Burns       | Hart        | Lewis      | Prince     | W. J. Van Dusen |
| Burritt     | Haughton    | Lincoln    | Ray        | Wells           |
| Cook        | Hawkins     | G. P. Lord | Rice       | West            |
| Couchman    | A. L. Hayes | Lott       | Rose       | Whitbeck        |
| Crandall    | Healy       | Lynde      | Sage       | White           |
| Davidson    | Herrick     | Mackay     | Shepardson | Whitaker        |
| Dunphy      | A. Hill     | Marcy      | Simson     | Woodward        |
| Dykeman     | D. B. Hill  | Moore      | Smith      | Woolsey         |
| Eastman     | Holdridge   | Morton     | Smyth      | Wyman           |
| Fields      | Hollister   | Moseley    | Sniper     | Yeomans         |
| Foley       | Houghton    | Mosher     |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

On motion of Mr. White, and by unanimous consent,

*Resolved* (if the Senate concur), That a respectful message be sent to the Governor requesting him to return, for amendment, Assembly bill entitled "An act to authorize the county treasurer of Kings county to designate one of his assistants to act as deputy in his absence."

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

The bill entitled "An act to divide the county of Sullivan into two school commissioner districts," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 1 }

Those who voted in the affirmative, were

|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| Abbott      | Fields      | Hungerford | Moulton    | Speaker         |
| Alvord      | Foley       | Husted     | Oakley     | Springsted      |
| Bemus       | Fort        | Hyatt      | Paige      | Strahan         |
| Berri       | Fowler      | Jacobs     | Peck       | Swain           |
| Blair       | Frear       | Kingsland  | Pell       | M. M. Tompkins  |
| E. E. Brown | Goring      | Knapp      | Preston    | Twombly         |
| I. D. Brown | Gregory     | Knettle    | Prince     | W. J. Van Dusen |
| Buell       | Haight      | Lincoln    | Ray        | Wells           |
| Burns       | Hart        | G. P. Lord | Rice       | West            |
| Burritt     | Haughton    | Lott       | Roche      | Whitbeck        |
| Carroll     | A. L. Hayes | Lynde      | Rose       | White           |
| Cook        | Healy       | Mackay     | Sage       | Whitaker        |
| Couchman    | Herrick     | Marcy      | Shepardson | Woodward        |
| Crandall    | A. Hill     | Moore      | Simson     | Woolsey         |
| Davidson    | D. B. Hill  | Morton     | Smith      | Wyman           |
| Dykeman     | Holdridge   | Moseley    | Smyth      | Yeomans         |
| Eastman     | Houghton    | Mosher     | Sniper     |                 |

For the negative

Griffin

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to amend an act passed April 22, 1862, entitled 'An act to incorporate the Union Home and School for the education and maintenance of the children of volunteers, and the act amendatory thereof,' passed March 30, 1866," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

|        |         |           |        |            |
|--------|---------|-----------|--------|------------|
| Abbott | Fowler  | Hyatt     | Niles  | Speaker    |
| Alvord | Frear   | Jacobs    | Oakley | Springsted |
| Berri  | Gregory | Kingsland | Paige  | Strahan    |



|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| E. E. Brown | Griffin     | Knapp      | Pell       | Swain           |
| I. D. Brown | Haight      | Knettles   | Preston    | M. M. Tompkins  |
| Buell       | Hart        | Lewis      | Prince     | Twombly         |
| Burns       | Haughton    | Lincoln    | Ray        | W. J. Van Dusen |
| Burritt     | Hawkins     | G. P. Lord | Rice       | Wells           |
| Cook        | A. L. Hayes | Lott       | Roche      | West            |
| Couchman    | Healy       | Lynde      | Rose       | Whitbeck        |
| Crandall    | Herrick     | Mackay     | Sage       | White           |
| Davidson    | D. B. Hill  | Marcy      | Shepardson | Whitaker        |
| Dykeman     | Holdridge   | Moore      | Simson     | Woodward        |
| Eastman     | Houghton    | Morton     | Smith      | Woolsey         |
| Fields      | Hungerford  | Mosher     | Smyth      | Wyman           |
| Foley       | Husted      | Moulton    | Sniper     | Yeomans         |
| Fort        |             |            |            |                 |

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend chapter 156 of the Laws of 1868, entitled 'An act to incorporate the village of Greenport, Suffolk county,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| Abbott      | Fort        | Hyatt      | Moulton    | Sniper          |
| Alvord      | Fowler      | Jacobs     | Oakley     | Speaker         |
| Bemus       | Frear       | Kingsland  | Paige      | Springsted      |
| E. E. Brown | Gregory     | Knapp      | Peck       | Swain           |
| I. D. Brown | Haight      | Knettles   | Preston    | M. M. Tompkins  |
| Buell       | Hart        | Lewis      | Prince     | Twombly         |
| Burns       | Haughton    | Lincoln    | Ray        | W. J. Van Dusen |
| Burritt     | Hawkins     | G. P. Lord | Rice       | Wells           |
| Cook        | A. L. Hayes | Lott       | Roche      | West            |
| Couchman    | Healy       | Lynde      | Rose       | Whitbeck        |
| Crandall    | Herrick     | Mackay     | Sage       | White           |
| Davidson    | A. Hill     | Marcy      | Shepardson | Woodward        |
| Dunphy      | D. B. Hill  | Moore      | Simson     | Woolsey         |
| Dykeman     | Holdridge   | Morton     | Smith      | Wyman           |
| Eastman     | Houghton    | Moseley    | Smyth      | Yeomans         |
| Fields      | Hungerford  | Mosher     |            |                 |

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to extend the operation and effect of the act passed February 17, 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' and entitled, as the title of said act was amended by an act passed April 28, 1866, 'An act to authorize the formation of corporations for manufacturing, mining, mechanical, chemical, agricultural, horticultural, medical or curative, mercantile or commercial purposes,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 76 }  
{ NOES 6 }

Those who voted in the affirmative, were

|          |             |            |            |                 |
|----------|-------------|------------|------------|-----------------|
| Abbott   | Fields      | Husted     | Mosher     | Speaker         |
| Alvord   | Fort        | Hyatt      | Moulton    | Springsted      |
| Badeau   | Fowler      | Jacobs     | Niles      | Strahan         |
| Bemus    | Frear       | Kingsland  | Oakley     | Swain           |
| Berri    | Gregory     | Knettles   | Paige      | D. Tomkins      |
| Blair    | Griffin     | Lewis      | Pell       | M. M. Tompkins  |
| Buell    | Haight      | Lincoln    | Preston    | Twombly         |
| Burns    | Hart        | G. P. Lord | Prince     | W. J. Van Dusen |
| Burritt  | Haughton    | Lott       | Ray        | West            |
| Cook     | Hawkins     | Lynde      | Rice       | Whitbeck        |
| Couchman | A. L. Hayes | Mackay     | Rose       | White           |
| Crandall | Herrick     | Marcy      | Sage       | Woodward        |
| Davidson | D. B. Hill  | Moore      | Shepardson | Woolsey         |
| Dunphy   | Holdridge   | Morton     | Simson     | Wyman           |
| Dykeman  | Hungerford  | Moseley    | Smith      | Yeomans         |
| Eastman  |             |            |            |                 |

Those who voted in the negative, were

|             |       |         |          |       |
|-------------|-------|---------|----------|-------|
| E. E. Brown | Foley | A. Hill | Houghton | Knapp |
| I. D. Brown |       |         |          |       |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to incorporate the Onondaga County Milk Association," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 75 }  
{ NOES 3 }

Those who voted in the affirmative, were

|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| Alvord      | Foley       | Husted     | Niles      | Speaker         |
| Badeau      | Fort        | Hyatt      | Oakley     | Strahan         |
| Bemus       | Fowler      | Jacobs     | Paige      | Swain           |
| Blair       | Frear       | Kingsland  | Peck       | M. M. Tompkins  |
| E. E. Brown | Gregory     | Knapp      | Pell       | Twombly         |
| Buell       | Haight      | Knettles   | Preston    | A. L. Van Dusen |
| Burns       | Hart        | Lewis      | Ray        | Wells           |
| Burritt     | Haughton    | Lincoln    | Rice       | West            |
| Cook        | Hawkins     | G. P. Lord | Roche      | Whitbeck        |
| Couchman    | A. L. Hayes | Lott       | Sage       | White           |
| Crandall    | Herrick     | Lynde      | Shepardson | Whitaker        |
| Davidson    | A. Hill     | Mackay     | Simson     | Woodward        |
| Dunphy      | D. B. Hill  | Marcy      | Smith      | Woolsey         |
| Eastman     | Holdridge   | Morton     | Smyth      | Wyman           |
| Fields      | Houghton    | Moulton    | Sniper     | Yeomans         |

Those who voted in the negative, were

|             |         |      |
|-------------|---------|------|
| I. D. Brown | Griffin | Rose |
|-------------|---------|------|

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act for the relief of John N. Dunn and Eliphalet J. Swain," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 75 }  
{ NOES 4 }

Those who voted in the affirmative, were

|             |            |            |            |                 |
|-------------|------------|------------|------------|-----------------|
| Alvord      | Fields     | Husted     | Moulton    | Strahan         |
| Badeau      | Fort       | Jacobs     | Niles      | Swain           |
| Blair       | Fowler     | Knapp      | Oakley     | M. M. Tompkins  |
| E. E. Brown | Frear      | Knettles   | Paige      | Twombly         |
| I. D. Brown | Gregory    | Lewis      | Peck       | A. L. Van Dusen |
| Buell       | Griffin    | Lincoln    | Pell       | W. J. Van Dusen |
| Burns       | Hart       | G. P. Lord | Preston    | Wells           |
| Burritt     | Haughton   | Lott       | Rice       | West            |
| Cook        | Hawkins    | Lynde      | Rose       | Whitbeck        |
| Couchman    | Healy      | Mackay     | Shepardson | White           |
| Crandall    | Herrick    | Marcy      | Simson     | Whitaker        |
| Davidson    | A. Hill    | Moore      | Smith      | Woodward        |
| Dunphy      | D. B. Hill | Morton     | Smyth      | Woolsey         |
| Dykeman     | Holdridge  | Moseley    | Sniper     | Wyman           |
| Eastman     | Houghton   | Mosher     | Speaker    | Yeomans         |

Those who voted in the negative, were

Bemus                  Prince                  Ray                  D. Tomkins

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to renew and amend an act entitled 'An act relative to the General Society of Mechanics and Tradesmen of the city of New York,' passed April 1, 1856," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 76 }  
{ NOES 00 }

Those who voted in the affirmative, were

|             |            |            |            |                 |
|-------------|------------|------------|------------|-----------------|
| Abbott      | Foley      | Houghton   | Moulton    | Springsted      |
| Alvord      | Fort       | Husted     | Niles      | Strahan         |
| Badeau      | Fowler     | Jacobs     | Paige      | Swain           |
| Bemus       | Gregory    | Knapp      | Peck       | D. Tomkins      |
| E. E. Brown | Griffin    | Knettles   | Pell       | M. M. Tompkins  |
| I. D. Brown | Haught     | Lewis      | Preston    | A. L. Van Dusen |
| Buell       | Hart       | Lincoln    | Prince     | W. J. Van Dusen |
| Burritt     | Haughton   | G. P. Lord | Ray        | West            |
| Cook        | Hawkins    | Lott       | Rice       | Whitbeck        |
| Couchman    | J. Hayes   | Lynde      | Rose       | White           |
| Crandall    | Healy      | Mackay     | Shepardson | Whitaker        |
| Davidson    | Herrick    | Marcy      | Simson     | Woodward        |
| Dunphy      | A. Hill    | Moore      | Smith      | Woolsey         |
| Dykeman     | D. B. Hill | Morton     | Smyth      | Wyman           |
| Eastman     | Holdridge  | Moseley    | Speaker    | Yeomans         |
| Fields      |            |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.



Mr. Mosher introduced a bill entitled "An act for the erection of an iron bridge over the Erie canal at West Troy, in the county of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Springsted introduced a bill entitled "An act for the removal of a certain burial ground connected with the Second Reformed Church of Bethlehem, to the Bethlehem cemetery," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. E. E. Brown introduced a bill entitled "An act to amend an act entitled 'An act to authorize the construction of a street railroad in the city of Auburn, and from thence to the Owasco lake,' passed April 15, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Eastman introduced a bill entitled "An act to incorporate the Hudson River Agricultural, Horticultural and Mechanical Fair Association, to be located on the Van Wagner grounds, Salt Point road, Poughkeepsie, New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

Mr. A. Hill introduced a bill entitled "An act to erect the village of Greenville into a separate road district," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Peck introduced a bill entitled "An act for the better preservation of the public health, and to prevent the spread of contagious diseases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

Mr. Morton introduced a bill entitled "An act to provide additional causes for absolute divorces and dissolution of marriages," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Hyatt introduced a bill entitled "An act to legalize the acts of Sherman B. Daboll as notary public of Madison county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. W. J. Van Dusen introduced a bill entitled "An act to amend an act entitled 'An act to amend the acts relating to the village of Canajoharie,' passed November 12, 1847," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Twombly introduced a bill entitled "An act to create a commercial district for the port of New York and a board of commerce therein," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Whitbeck introduced a bill entitled "An act for the protection of physicians and lawyers in cases of alleged malpractice," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

Mr. Haight introduced a bill entitled "An act to amend an act passed April 26, 1870, entitled 'An act to make further provision for the government of the city of New York,' " which was read the first time, and

by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Healey introduced a bill entitled "An act for the better protection of life and property from boiler explosion," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trade and manufactures.

Mr. Burns introduced a bill entitled "An act to amend an act to authorize the imprisonment of convicts in the penitentiaries of Syracuse and Albany, passed May 4, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

Also, a bill entitled "An act extending the provisions of certain laws, permitting municipal corporations to aid in the construction of railroads, to the town of Marcellus, in the county of Onondaga," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Fort introduced a bill entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act to amend the act chapter 778, of the Laws of 1871, reappropriating certain moneys for the construction of new work upon, and extraordinary repairs of, the canals of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Oakley introduced a bill entitled "An act to incorporate the Hunter's Point and Flushing Railroad Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Herrick introduced a bill entitled "An act to amend an act entitled 'An act to establish a turnpike corporation for improving the road from the springs in Lebanon to the city of Albany; and a like corporation for improving the road from the village of Bath to the Massachusetts line, and for repealing the act therein mentioned,' passed April 1, 1799, and the various acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. D. Tomkins introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the Haverstraw Savings Bank, of the town of Haverstraw, in the county of Rockland,' passed April 27, 1871," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on banks.

Mr. Marcy introduced a bill entitled "An act for the division of the town of Huntington, in the county of Suffolk, and the erection of a new town from the southern part of said town, and for the apportionment of the town property and town debts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on civil divisions.

Mr. Woolsey introduced a bill entitled "An act to regulate costs in actions on proceedings by mandamus," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.



Mr. Woodward introduced a bill entitled "An act to amend an act entitled 'An act in relation to proceedings in surrogates' courts, and to the fees of surrogates, and the compensation of executors and administrators, and to a clerk for surrogate,' passed May 2, 1863," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Badeau introduced a bill entitled "An act to release to Mary Burke the right and title of the people of the State of New York in and to certain real estate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on petitions of aliens.

Also, a bill entitled "An act to release to Hugh Downer the right and title of the people of the State in and to certain real estate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the petitions of aliens.

Mr. Niles introduced a bill entitled "An act relative to the setting of fykes and other nets in Harlem and East rivers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Pell introduced a bill entitled "An act to authorize the construction of a railway on Twenty-third street and other streets and avenues in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Knapp introduced a bill entitled "An act releasing the interest of the State in certain lands of which Mary Ann Wilcox died possessed," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the petitions of aliens.

Mr. Judd introduced a bill entitled "An act to repeal an act entitled 'An act to establish a police force in the county of Richmond,' passed April 28, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Twombly introduced a bill entitled "An act to extend the operation of chapter 917, Laws of 1869, entitled 'An act to authorize the consolidation of certain railroad companies,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

The order of business "motions and resolutions" being announced,

Mr. Speaker stated the pending question to be upon the consideration of the resolution offered by Mr. Fort, in the words following:

*"Resolved,* That a select committee of seven be appointed by this House to apportion and divide the State into Congressional districts, under the census of 1870," as amended by unanimous consent, on motion of Mr. G. P. Lord by striking out the word "seven" and inserting in lieu thereof the words "one from each judicial district of this State, and one from the State at large."

Also, the motion of Mr. Alvord to amend said resolution by striking out the words "a select committee of seven be appointed by this House to" and inserting in lieu thereof the words "the committee on federal relations."

Mr. Alvord then withdrew his amendment.

Mr. Fort moved to amend his resolution by striking out the word "one" and inserting the word "two."



Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said resolution, as amended, and it was determined in the affirmative.

On motion of Mr. Husted,

*Resolved* (if the Senate concur), That joint rule No. 5 is hereby amended by adding at the end thereof the following: "Every report of a committee of conference shall be read through, in each House, before a vote is taken on the same."

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

Mr. A. L. Van Dusen, from the committee on engrossed bills, reported as correctly re-engrossed the bill (as amended in the Senate February 8th), entitled as follows:

"An act authorizing and requiring the town of Naples, Ontario county, to raise a further sum of money to provide for the completion and furnishing of the Town and Soldiers' Memorial Hall, in said town."

The Senate returned the concurrent resolution recalling from the Governor for amendment the bill entitled "An act to authorize the county treasurer of Kings county to designate one of his assistants to act as deputy in his absence," with a message that they had passed the same.

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Mackey offered for the consideration of the House a preamble and resolutions, in the words following, to wit:

*Whereas*, Civilization is based on intercourse among the people; and

*Whereas*, It is one of the first and most important duties of civilized governments to establish laws regulating such intercourse; and

*Whereas*, The welfare of every community depends on the cheapness, convenience and dispatch by which the facilities necessary for such intercourse are regulated; and

*Whereas*, Railroads have superseded ordinary highways, turnpikes, plank-roads, lakes, rivers and canals, and have grown to be the recognized modes by which persons and property are transported from one section of the country to another; and

*Whereas*, Railroads have been declared for public use, and, for that reason, been clothed with the right to take what private property is necessary for their construction, with, or without the consent of its owner; and

*Whereas*, The original charters by which railroad companies were created in this State, and under which railroads were permitted to be built, restricted the amount of the capital stock and bonded indebtedness of said companies to an amount equal to that actually and in good faith expended, either in the construction or equipment of the roads which said companies represent; and

*Whereas*, Said original charters also restricted the amount of interest or dividends which said companies might pay to ten per cent per annum on the amounts so actually expended, thereby proving that the Legislatures which first permitted railroads to be built intended by legislative enactment to prevent the public from being taxed for the use of such roads beyond an amount sufficient to pay the necessary operating expenses of such roads, and a fair and liberal return on the moneys actually expended on them for the public welfare; and

*Whereas*, The people of this State paid, during the last year, to the different railroad companies doing business in the State, nearly seventy

million dollars, for having their persons and property transported over the roads represented by said companies ; and

*Whereas*, Nearly five million dollars of this vast sum was appropriated by the New York Central and Hudson River Railroad Company to pay interest or dividends on the bonds, stock or scrip of said company, which bonds, stock or scrip represent an access over all amounts ever levied on or paid into the treasury of said company by the stock and bondholders of said company ; and

*Whereas*, This and similar burdens have become oppressive on the people of this State, and to be relieved from which they have repeatedly and in great numbers petitioned their representatives ; and

*Whereas*, The result of watering railroad stocks and bonds, and taxing commerce and travel to pay interest or dividends on such water has been to drive wealth and population from this State, to destroy milling and manufacturing enterprises, to reduce the amount of agricultural productions, and to threaten the commercial supremacy of the metropolis of this State, and generally to make railroads a source of oppression rather than a blessing to its people ; therefore

*Resolved*, That the Attorney-General of this State be requested to furnish this body with his legal opinion whether or not railroad companies, organized under the Constitution of the United States and the Constitution of this State, and having the right of eminent domain, or to take private property for public use, can levy rates or tolls on the public requiring the use of the roads such companies represent beyond an amount sufficient to pay the necessary expenses of operating such roads and a fair and just return on their actual cost.

*Resolved*, That the Attorney-General be also requested to furnish his opinion whether or not any act of the Legislature can be held as constitutional and binding which permits railroad companies, organized for public use, to increase their capital stock or dividend paying indebtedness, and impose burdens on the public to pay interest or dividends on such increase, when such increase is based on the surplus earnings of such railroads, or when such increase represents an increased value of private property appropriated by such company for a public use.

*Ordered*, That said resolution be laid on the table and printed.

Mr. Moseley offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved* (if the Senate concur), That when the Legislature adjourn on Friday, the 16th, it adjourn to meet on the evening of Monday, the 26th, at half-past seven o'clock.

*Ordered*, That said resolution be laid on the table.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled as follows :

"An act to amend an act entitled 'An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county,' passed January 30, 1872," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Hawkins, and by unanimous consent, said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 77 }  
{ NOES 1 }

Those who voted in the affirmative, were

|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| Abbott      | Gregory     | Hyatt      | Niles      | Sniper          |
| Alvord      | Griffin     | Jacobs     | Oakley     | Springsted      |
| Badeau      | Haight      | Kingsland  | Paige      | Strahan         |
| Blair       | Hart        | Knapp      | Peck       | Swain           |
| E. E. Brown | Haughton    | Knettles   | Pell       | D. Tomkins      |
| I. D. Brown | Hawkins     | Lewis      | Preston    | Twombly         |
| Buell       | A. L. Hayes | Lincoln    | Prince     | A. L. Van Dusen |
| Burns       | J. Hayes    | G. P. Lord | Ray        | W. J. Van Dusen |
| Burritt     | Healy       | Lynde      | Rice       | Wells           |
| Crandall    | Herrick     | Mackay     | Roche      | West            |
| Davidson    | A. Hill     | Marcy      | Rose       | White           |
| Dunphy      | D. B. Hill  | Moore      | Sage       | Whitaker        |
| Dykeman     | Holdridge   | Morton     | Shepardson | Woodward        |
| Fields      | Houghton    | Mosher     | Simson     | Woolsey         |
| Foley       | Hungerford  | Moulton    | Smith      | Wyman           |
| Fort        | Husted      |            |            |                 |

For the negative.

Speaker

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

Leave of absence was granted to Mr. Lippitt indefinitely.

Mr. Jacobs moved that the House now adjourn until Monday evening, at 7½ o'clock.

Debate was had thereon, when

Mr. Jacobs moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said resolution, and it was determined in the affirmative.

{ AYES 50 }  
{ NOES 23 }

Those who voted in the affirmative, were

|             |         |            |         |                |
|-------------|---------|------------|---------|----------------|
| Abbott      | Dykeman | D. B. Hill | Mosher  | Sniper         |
| Badeau      | Fields  | Hungerford | Moulton | Strahan        |
| E. E. Brown | Foley   | Husted     | Oakley  | Swain          |
| I. D. Brown | Fort    | Jacobs     | Paige   | M. M. Tompkins |
| Buell       | Gregory | Knapp      | Pell    | Twombly        |
| Burns       | Griffin | G. P. Lord | Prince  | West           |
| Burritt     | Hart    | Lynde      | Ray     | White          |
| Couchman    | Healy   | Moore      | Roche   | Whitaker       |
| Crandall    | Herrick | Morton     | Rose    | Woolsey        |
| Davidson    | A. Hill | Moseley    | Sage    | Yeomans        |

Those who voted in the negative, were

|             |           |            |            |                 |
|-------------|-----------|------------|------------|-----------------|
| Alvord      | Kingsland | Mackay     | Simson     | A. L. Van Dusen |
| A. L. Hayes | Knettles  | Marcy      | Smith      | W. J. Van Dusen |
| Holdridge   | Lewis     | Preston    | Speaker    | Wells           |
| Houghton    | Lincoln   | Rice       | Springsted | Wyman           |
| Hyatt       | Lott      | Shepardson |            |                 |

And at 2 o'clock and 10 minutes the House adjourned.



MONDAY, FEBRUARY 12, 1872—7.30 P. M.

The House met pursuant to adjournment.

Prayer by the Rev P. Eirich.

The journal of Friday, February 9, was read and approved.

Mr. Preston presented a petition of William Gregg and twenty-five others in favor of the retirement of the capital stock of certain life insurance companies, to the end that they may become mutual companies; which was read and referred to the committee on insurance,

Mr. Whitbeck presented a petition of Peter Morris and fifty others, real estate owners in the city of New York, in favor of the bill for opening streets by one commission and at a nominal charge; which was read and referred to the committee on the affairs of cities.

Also, a petition of L. F. Lawrence and twenty-five others in favor of the retirement of the capital stock of certain life insurance companies, to the end that they may become mutual companies; which was read and referred to the committee on insurance.

Also, a petition of Courtlandt Palmer and twenty-five others, owners of real estate in the city of New York, in favor of the exemption of bonds and mortgages from taxation; which was read and referred to the committee on ways and means.

Messrs. Foley and Mackay, presented two petitions of A. G. Bogart, Cyrus Clark and twenty-five others, owners of real estate in the city of New York, in favor of the exemption of bonds and mortgages from taxation; which were read and referred to the committee on ways and means.

Mr. G. D. Lord presented a remonstrance against the repeal of the two per cent tax on foreign insurance companies; which was read and referred to the committee on insurance.

Mr. Crandall presented a petition of fifty citizens of Allegany county, in favor of pro rata freights and fares of railroads in this State; which was read and referred to the committee on railroads.

Messrs. G. D. Lord and A. L. Van Dusen presented two petitions of citizens of Rochester and Ontario county, to repeal chapter 907 of the Laws of 1869, known as the bonding act; which were read and referred to the committee on railroads.

Mr. Herrick presented a petition of thirty-one tax-payers of the town of Greenbush, against bonding said town; which was read and referred to the committee on internal affairs.

Messrs. Knottles and Ycomans presented petitions of trustees of different schools in favor of the increase of the Literature Fund; which were read and referred to the committee on public education.

Mr. I. D. Brown presented a petition of Joshua W. Ketchum, for canal damages; which was read and referred to the committee on claims.

Mr. Moulton presented a petition of Albert W. Orr and others, in the city of New York, for the exemption of bonds and mortgages from taxation; which was read and referred to the committee on ways and means.

Mr. Jacobs presented a petition of the Brooklyn Howard Colored Orphan Asylum, for an appropriation; which was read and referred to the committee on ways and means.

Mr. Marcy presented a petition of citizens of Suffolk county, for an appropriation to improve Peconic river; which was read and referred to the committee on ways and means.

Mr. I. D. Brown presented a petition of Hon. Wm. J. Cornell, H. C. Beach, S. W. Treat and other citizens of Weedsport, Cayuga county, for an appropriation to develop the salt springs near said village; which was read and referred to the committee on ways and means.

Mr. G. P. Lord presented a remonstrance of 100 tax-payers of Yates county, against the removal of the poor-house site in said county; which was read and referred to the committee on internal affairs.

Mr. Sage presented a remonstrance of twenty-one citizens and tax-payers of Mexico, Oswego county, against the passage of any law to increase the salaries of the county judge and surrogate thereof; which was read and referred to the committee on the judiciary.

Messrs. Crandall, G. P. Lord, Knottles, Davidson, Lincoln, G. D. Lord, Mackay, Knapp, Goss and Chambers severally presented petitions from citizens of various portions of the State, against legislative interference in the management of the Erie railroad; which were read and referred to the committee on railroads.

The Senate returned the bill entitled "An act to amend chapter 539, of the Laws of 1870, entitled 'An act in relation to jurors in the city and county of New York,'" with a message that they consent to a committee of conference on said bill, and appoint as such committee Messrs. Woodin, Benedict and Tiemann.

The Senate returned the bill entitled as follows:

"An act authorizing and requiring the town of Naples, Ontario county, to raise a further sum of money to provide for the completion and furnishing of the Town and Soldiers' Memorial Hall in said town."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Badeau, from the committee on roads and bridges, to which was referred the petition of residents and tax-payers of New Rochelle, praying for a law authorizing the town officers to grade and improve North street, reported a bill entitled "An act to provide for regulating, grading and graveling the White Plains road, commonly called North street, lying wholly in the town of New Rochelle and partly in the village of New Rochelle in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Speaker introduced a bill entitled "An act to amend the charter of the city of Albany, passed March 16, 1870, and the several acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Chambers introduced a bill entitled "An act to repeal the charter of the Buffalo and Hamburg Turnpike Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Alvord introduced a bill entitled "An act to supply the deficiency in the appropriation to pay the expenses of the superintendence, ordinary repairs and maintenance of the canals for the remainder of the fiscal year which commenced on the first day of October, 1871, and to regulate the

manner of drawing warrants by the Auditor of the Canal Department upon the Treasurer," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. A. L. Van Dusen introduced a bill entitled "An act in relation to the establishment and care of a cemetery by the village of Geneva, Ontario county, and to provide means for the same," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the affairs of villages.

Mr. G. D. Lord introduced a bill entitled "An act to incorporate Holy Sepulchre Cemetery, in the city of Rochester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Moore introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the superintendents of the fair ground of the town of Oswegatchie,' passed April 15, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

Mr. Husted introduced a bill entitled "An act to provide for the location of a new State prison, and for the removal of the present State prison from Sing Sing," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

Also, a bill entitled "An act to secure religious ministration to convicts in the State prisons and penitentiaries of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Also, a bill entitled "An act to amend chapter 12 of the Laws of 1872, entitled 'An act prescribing the officers and employes that may be elected, appointed or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Mr. Fort introduced a bill entitled "An act to amend chapter 412 of the Laws of 1864, entitled 'An act to amend an act to provide for the registry of liens and incumbrances upon boats navigating the canals and rivers in this State,' passed April 15, 1858," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend chapter 279, of the Laws of 1833, entitled "An act requiring mortgages of personal property to be filed in the town clerk's office, and other places," passed April 29, 1833," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Mackay introduced a bill entitled "An act to reorganize the local government of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Wiley introduced a bill entitled "An act to authorize the Buffalo and Springville Railroad Company to change the terminus of their road," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.



On motion of Mr. Fort,

*Resolved*, That the committee on printing be instructed to inquire into the cost of printing 1,000 copies of the special report of the Superintendent of the Bank Department, concerning Savings Banks, transmitted to the Legislature January 8, 1868, in pursuance of a resolution of the Legislature of 1867.

Mr. I. D. Brown offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the trustees of the capitol be and hereby are requested to provide, at the earliest practical day, for the removal of the furnace registers now used for warming the Assembly Chamber, and substitute in their place the more modern and healthful system of heating by means of steam pipes.

On motion of Mr. Alvord, said resolution was referred to the committee on public health.

On motion of Mr. Hawkins,

*Resolved*, That the proposed act to amend the charter of the city of Poughkeepsie, and also the capital police bills, be printed and placed upon the files of the members.

Mr. Husted offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the standing rules of the Assembly are amended as follows:

Amend rule 15, subdivision 34, by striking out the words "15th of February," in last line thereof, and inserting in lieu thereof the words "1st of March."

Further amend said rule and create an additional committee by adding thereto subdivision 35, "Local and special laws to consist of five members,"

Amend rule 18 by adding thereto the following:

"It shall be the duty of the committee on local and special laws to carefully examine all bills of a local and special nature, and when any bill shall have passed in committee of the whole House, or shall have been favorably reported from the sub-committee of the whole, on which the Speaker may entertain doubts whether it comes within the provisions of existing statutes, it shall be referred to the said committee to examine and report thereon, before the question on the final passage shall be taken. The committee shall also have power to report, at any time, such amendments as they may deem necessary, to the general laws now in force."

By unanimous consent,

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Flammer called from the table the preamble and resolution previously offered by him, in the words following:

*Whereas*, Grave charges and reflections have appeared in the public prints, in and about the city of New York, against and upon the office of district attorney of the city of New York, said charges being that the said district attorney's office shields criminals and fails to bring parties indicted for crime to trial after the lapse of many months after indictment, after there having been sufficient time therefor wherein to bring said persons charged with crime to trial and punishment.

*And Whereas*, The election of a city judge with concurrent power with the recorder was intended to facilitate the trial of all indictments against parties charged with crime, that the innocent might be liberated and the guilty punished; therefore be it

*Resolved*, That the judiciary committee of this House is hereby directed to investigate said alleged abuses, and in addition thereto that said committee is particularly directed to investigate the said office, as to the number of indictments on file therein, for what offense, the number of recognizances taken in said office, the nature and sufficiency thereof, the amount of moneys paid on forfeited recognizances, and such other matters as the said committee shall deem best for the public good; and that the said committee have power to send for persons and papers, and report back as soon as prepared so to do before the final adjournment of this session.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

The House then resolved itself into a committee of the whole on the bills entitled as follows:

“An act to establish a court of special sessions in and for the city of Albany, and to confer further judicial powers upon the recorder of said city.”

“An act to amend section 10, of chapter 739 of the Laws of 1857, entitled ‘An act to authorize the formation of town insurance companies.’”

“An act authorizing the election of a board of auditors for the town of Lenox, Madison county.”

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Moore, from said committee, reported in favor of the passage of said first and second mentioned bills, the first mentioned with amendments; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Moore, from said committee, also reported in favor of the passage of said third mentioned bill, with amendments, and the title amended by adding at the end thereof the following: “and empowering other towns to avail themselves of the provisions of this act,” which report was agreed to, and said bill ordered engrossed for a third reading.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

“An act granting jurisdiction to the United States over a certain piece of land within this State, to be occupied as a site for offices and store-houses, in the construction, repair and maintenance of a pier, for the formation of a harbor at Oswego, New York.”

“An act giving the consent of the State of New York to the purchase by and ceding jurisdiction to the United States over certain land on Cumberland Head, Clinton county, within this State, to be occupied as site of light-house, keeper’s dwelling, etc.”

“An act to amend chapter 156 of the Laws of 1868, entitled ‘An act to incorporate the village of Greenport, Suffolk county.’”

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Snyder, from said committee, reported in favor of the passage of said bills; which report was agreed to, and said bills ordered engrossed for a third reading.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

Senate, "An act legalizing the conveyance of the fair grounds of the Cattaraugus County Agricultural Society."

Senate, "An act extending the provisions of certain laws permitting municipal corporations to aid in the construction of railroads, to the towns of Salina, Lysander, Van Buren and Clay, and the villages of Baldwinsville and Liverpool, in the county of Onondaga."

"An act to amend an act entitled 'An act to authorize the Syracuse Northern Railroad Company to construct and maintain a swing-bridge over the Oswego canal, in the first ward of the city of Syracuse,' passed April 7, 1871, so as to include the second and third wards of said city."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Goss, from said committee, reported in favor of the passage of said first and second mentioned bills; which report was agreed to, and said bills ordered to a third reading.

Mr. Goss, from said committee, also reported in favor of the passage of said third mentioned bill; which report was agreed to.

On motion of Mr. Alvord, said bill was recommitted to the committee on railroads, retaining its place on third reading of bills.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to amend chapter 576 of the Laws of 1870, entitled 'An act to provide for the introduction of the European system of steam towage upon the canals of this State.'"

Senate, "An act to authorize O. Richards and Eber Richards to construct and maintain a swing-bridge over the Glen's Falls feeder, in the village of Sandy Hill."

Senate, "An act for the erection of an iron bridge over the Champlain canal at Comstock's Landing, in the county of Washington."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Preston, from said committee, reported in favor of the passage of said first mentioned bill, with amendments; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Preston, from said committee, also reported in favor of the passage of said second and third mentioned bills, the third mentioned with an amendment; which report was agreed to, and said bills ordered to a third reading.

On motion of Mr. Flammer, and by unanimous consent, the bill entitled "An act making an appropriation for Sarah Wyatt, a widow of Samuel Wyatt," was ordered considered in the next committee of the whole.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to repeal chapter 337 of the Laws of 1865."

"An act to prevent the cutting or taking of ice from Chautauqua lake at certain points therein."

"An act making an appropriation for Sarah Wyatt, widow of Samuel Wyatt."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Kingsland, from said committee, reported in favor of the passage of said first mentioned bill, with an amendment, and the title amended by adding at the end thereof the words: "entitled 'An act to prevent manufacturers of fish, guano, and oil from emptying their refuse waters into the harbors and bays of Suffolk county,' passed April 8, 1865," which



report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Kingsland, from said committee, also reported in favor of the passage of said second and third mentioned bills, the third mentioned with an amendment; which report was agreed to, and said bills ordered engrossed for a third reading.

On motion of Mr. Herrick, at 9 o'clock and 55 minutes, the House adjourned.

## TUESDAY, FEBRUARY 13, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. P. Eirich.

The journal of yesterday was read and approved.

A message from the Governor was received and read in the words following, to wit:

STATE OF NEW YORK—EXECUTIVE CHAMBER, }  
ALBANY, *February 12, 1872.* }

*To the Assembly:*

In compliance with the joint resolution of the Senate and Assembly, I return, herewith, for amendment, Assembly bill entitled "An act to authorize the county treasurer of Kings county to designate one of his assistants to act as deputy in his absence."

JOHN T. HOFFMAN.

Mr. Jacobs moved that the vote on the final passage of said bill be reconsidered.

Mr. Speaker put the question whether the House would agree to said motion to reconsider the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 95 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Aitken        | Davidson    | D. B. Hill | Moore      | Sniper          |
| Alvord        | Dunphy      | Holdridge  | Morton     | Snyder          |
| D. L. Babcock | Eastman     | Hollister  | Mosher     | Speaker         |
| I. H. Babcock | Flammer     | Houghton   | Moulton    | Springsted      |
| Badeau        | Foley       | Hungerford | Niles      | Squires         |
| Beckwith      | Fort        | Hyatt      | Oakley     | Strahan         |
| Bennett       | Frear       | Jacobs     | Osgood     | Swain           |
| E. E. Brown   | Geib        | Judd       | Paige      | D. Tomkins      |
| I. D. Brown   | Goring      | Kennedy    | Pell       | M. M. Tompkins  |
| Buckley       | Goss        | Kingsland  | Pierce     | A. L. Van Dusen |
| Buell         | Green       | Knapp      | Preston    | W. J. Van Dusen |
| Burns         | Greenhalgh  | Knettlis   | Prince     | West            |
| Burritt       | Haight      | Lewis      | Ray        | Whitbeck        |
| Campbell      | Hart        | Lincoln    | Rose       | White           |
| Carroll       | Hawkins     | Lippitt    | Sage       | Wilcy           |
| Chambers      | A. L. Hayes | Lott       | Shepardson | Woodward        |
| Cook          | J. Hayes    | Lynde      | Simson     | Woolsey         |
| Couchman      | Herrick     | Mackay     | Smiley     | Wyman           |
| Crandall      | A. Hill     | Marcy      | Smith      | Yeomans         |

Said bill being then announced for a third reading,

On motion of Mr. Jacobs, and by unanimous consent, it was amended by adding at the end of section 1, the following :

"And any default or misfeasance in office of such deputy treasurer shall be deemed to be a breach of the condition of the bond given or to be given by the said treasurer, under the provisions of this act."

Said bill, as amended, was then read a third time.

Mr. Speaker then put the question whether the House would agree to the final passage of said bill, as amended, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 94 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Aitken        | Crandall    | Hollister  | Morton     | Snyder          |
| Alberger      | Davidson    | Houghton   | Mosher     | Speaker         |
| Alvord        | Eastman     | Hungerford | Moulton    | Springsted      |
| D. L. Babcock | Flammer     | Husted     | Niles      | Squires         |
| I. H. Babcock | Foley       | Hyatt      | Oakley     | Strahan         |
| Badeau        | Fort        | Jacobs     | Osgood     | Swain           |
| Baltz         | Frear       | Judd       | Paige      | D. Tomkins      |
| Beckwith      | Geib        | Kennedy    | Pell       | M. M. Tompkins  |
| Bennett       | Goss        | Kingsland  | Pierce     | A. L. Van Dusen |
| I. D. Brown   | Green       | Knapp      | Preston    | W. J. Van Dusen |
| Buckley       | Greenhalgh  | Knettlies  | Prince     | Vedder          |
| Buell         | Haight      | Lewis      | Ray        | Whitbeck        |
| Burns         | Hart        | Lippitt    | Rose       | White           |
| Burritt       | Hawkins     | G. P. Lord | Sage       | Wiley           |
| Campbell      | A. L. Hayes | Lott       | Shepardson | Woodward        |
| Carroll       | J. Hayes    | Lynde      | Simson     | Woolsey         |
| Chambers      | Herrick     | Mackay     | Smiley     | Wyman           |
| Cook          | A. Hill     | Marcy      | Smith      | Yeomans         |
| Couchman      | Holdridge   | Moore      | Sniper     |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

The Senate returned the bill entitled "An act to confirm the conveyance of real and personal estate by the 'Beth El' congregation of Jews, of the city of New York, to the congregation 'Shaaray Tefila' of the city of New York," with a message that they had passed the same, with the following amendments :

Add as section 3, the following :

"§ 3. Nothing herein contained shall be construed as in anywise affecting the liability of said 'Beth El' congregation of Jews of the city of New York."

Change section 3 to section 4.

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 97 }  
{ NOES 00 }

Those who voted in the affirmative, were

|          |          |            |         |            |
|----------|----------|------------|---------|------------|
| Aitken   | Davidson | Hollister  | Morton  | Snyder     |
| Alberger | Dunphy   | Houghton   | Mosher  | Speaker    |
| Alvord   | Dykeman  | Hungerford | Moulton | Springsted |

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| D. L. Babcock | Eastman     | Holdridge  | Moore      | Sniper          |
| I. H. Babcock | Flammer     | Hyatt      | Niles      | Squires         |
| Baltz         | Foley       | Jacobs     | Oakley     | Strahan         |
| Beckwith      | Fort        | Judd       | Osgood     | Swain           |
| Bennett       | Frear       | Kennedy    | Paige      | D. Tomkins      |
| E. E. Brown   | Goring      | Kingsland  | Pell       | M. M. Tompkins  |
| I. D. Brown   | Goss        | Knapp      | Pierce     | A. L. Van Dusen |
| Buckley       | Green       | Kuettles   | Preston    | W. J. Van Dusen |
| Buell         | Greenhalgh  | Lewis      | Prince     | Vedder          |
| Burns         | Haight      | Lincoln    | Ray        | West            |
| Burritt       | Hart        | Lippitt    | Rose       | Whitbeck        |
| Campbell      | Hawkins     | G. P. Lord | Sage       | White           |
| Carroll       | A. L. Hayes | Lott       | Shepardson | Woodward        |
| Chambers      | J. Hayes    | Lynde      | Simson     | Woolsey         |
| Cook          | Herrick     | Mackay     | Smiley     | Wyman           |
| Couchman      | A. Hill     | Marcy      | Smith      | Yeomans         |
| Crandall      | D. B. Hill  |            |            |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled as follows:

"An act to amend an act entitled 'An act to amend and consolidate the charter of the village of Middletown,' passed March 31, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

The Senate returned the bills entitled as follows:

"An act to provide for supplying the village of Flushing, Queens county, with pure and wholesome water."

"An act to amend an act entitled 'An act to authorize the trustees of the village of Ellenville, to borrow money for the purpose of introducing water into the village, and to control and regulate the use of the same,' passed April 5, 1866, and supplemental thereto."

"An act to authorize the election of a police justice in and for the village of Flushing, Queens county, and to prescribe his duties and compensation, and regulating charges in criminal proceedings in said village."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate returned the bill entitled "An act to authorize the county treasurer of Kings county to designate one of his assistants to act as deputy in his absence," with a message that they had concurred in the passage of the same, as amended.

*Ordered*, That the Clerk return said bill to the Senate.

The Senate returned the bill entitled as follows:

"An act to authorize the county treasurer of Kings county to designate one of his assistants to act as deputy in his absence."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Speaker presented the forty-seventh annual report of the Society for the Reformation of Juvenile Delinquents in the city of New York, for the year 1871; which was laid on the table and ordered printed.

(See Doc. No. 53.)

Mr. Speaker announced the special order, being the Assembly bill entitled "An act to reorganize the local government of the city of New York."

The House then resolved itself into a committee of the whole on the above entitled bill.



And after some time spent therein Mr. Speaker resumed the chair, and Mr. Eastman, from said committee, reported progress on said bill, and asked and obtained leave to sit again.

Mr. Alvord moved that said bill be made a special order for to-morrow morning immediately after reading the journal.

Mr. Prince moved to amend said motion by striking out all after the word "for" and inserting in lieu thereof the words "this evening at 7½ o'clock."

Mr. Speaker put the question whether the House would agree to said motion of Mr. Prince, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion, as amended, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

On motion of Mr. Strahan, at 2 o'clock, the House took a recess until 7½ o'clock.

### HALF-PAST SEVEN O'CLOCK P. M.

The House again met.

Mr. Speaker presented a communication, in the words following, to wit:

HOMŒOPATHIC MEDICAL SOCIETY OF THE STATE OF NEW YORK, }  
ALBANY, N. Y., *February 13, 1872.* }

*To the Speaker of the Assembly:*

DEAR SIR.—We have the honor to inform you that the twenty-first annual session of the State Homœopathic Medical Society is now being held in the common council chamber, and that we are authorized to extend to the members of Assembly an invitation to attend the sessions of the Society; also to listen to the address by the president, to be delivered in the same plate this evening at 8 o'clock.

We have the honor to be

Very respectfully yours,

L. B. WALDO,  
CHAS. A. CHURCH,  
GEO. F. FOOTE,

*Committee.*

Mr. Speaker announced the special order,

Thereupon the House again resolved itself into a committee of the whole on the bill entitled as follows:

"An act to reorganize the local government of the city of New York."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Eastman, from said committee, reported progress on said bill, and asked and obtained leave to sit again.

Mr. Alvord moved that said bill be made a special order for to-morrow, immediately after reading the journal.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

On motion of Mr. Wyman, at 8 o'clock and 45 minutes, the House adjourned.

## WEDNESDAY, FEBRUARY 14, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. J. H. Hartzell.

The journal of yesterday was read and approved.

By unanimous consent, Mr. Moseley called from the table the resolution previously offered by him, in the words following:

*Resolved* (if the Senate concur), That when the Legislature adjourns on Friday, the 16th, it adjourn to meet on the evening of Monday, the 26th, at half-past seven o'clock.

Mr. Rose moved to amend said resolution by striking out the words "Friday, the 16th," and inserting in lieu thereof the words "Wednesday, the 21st."

Mr. Flammer moved to amend said resolution by adding at the end thereof the words, "providing the House has disposed of the bill entitled 'An act to reorganize the local government of the city of New York.'"

Mr. Speaker put the question whether the House would agree to said motion of Mr. Flammer, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Rose, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said resolution, and it was determined in the affirmative.

{ AYES 65 }  
{ NOES 52 }

Those who voted in the affirmative, were

|          |             |            |         |                 |
|----------|-------------|------------|---------|-----------------|
| Abbott   | Couchman    | A. Hill    | Mosher  | Tilden          |
| Aitken   | Davidson    | D. B. Hill | Oakley  | D. Tomkins      |
| Alberger | Dunphy      | Houghton   | Paige   | M. M. Tompkins  |
| Badeau   | Fields      | Hungerford | Pell    | Tucker          |
| Baltz    | Fowler      | Husted     | Pierce  | Twombly         |
| Bemus    | Frear       | Jacobs     | Preston | A. L. Van Dusen |
| Bennett  | Geib        | G. D. Lord | Ray     | W. J. Van Dusen |
| Blair    | Green       | G. P. Lord | Rice    | Vedder          |
| Buckley  | Hart        | Lott       | Roche   | Wells           |
| Buell    | Haughton    | Lynde      | Sage    | Whitbeck        |
| Carroll  | Hawkins     | Marcy      | Smiley  | Wiley           |
| Chambers | A. L. Hayes | Morton     | Snyder  | Woolsey         |
| Cook     | Healy       | Moseley    | Squires | Wyman           |

Those who voted in the negative, were

|               |           |           |         |            |
|---------------|-----------|-----------|---------|------------|
| Alvord        | Eastman   | Hyatt     | Mackay  | Sniper     |
| D. L. Babcock | Flammer   | Judd      | Moore   | Speaker    |
| I. H. Babcock | Foley     | Kennedy   | Moulton | Springsted |
| Beckwith      | Fort      | Kingsland | Niles   | Swain      |
| Berri         | Goring    | Knapp     | Osgood  | Tobey      |
| E. E. Brown   | Goss      | Knettles  | Prince  | West       |
| I. D. Brown   | Gregory   | Lewis     | Rose    | White      |
| Burns         | Haight    | Lincoln   | Simson  | Whitaker   |
| Burritt       | Herrick   | Lippitt   | Smith   | Woodward   |
| Crandall      | Holdridge | Loughran  | Smyth   | Yeomans    |
| Dykeman       | Hollister |           |         |            |

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

By unanimous consent, Mr. Husted offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the usual number of the rules of the Assembly, as amended on the 12th instant, be printed for the use of the Legislature.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

By unanimous consent, Mr. Alvord offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved* (if the Senate concur), That a respectful message be sent to His Excellency the Governor, asking the return of Assembly bill No. 64, entitled "An act to authorize the election of an additional justice of the peace in the town of Manlius, in the county of Onondaga," for amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

Mr. Alvord, from the committee of conference on the part of the Senate and Assembly, upon the difference between the two Houses upon the bill entitled "An act to amend chapter 539 of the Laws of 1870, entitled 'An act in relation to jurors in the city and county of New York,' " reported as follows :

"The committee of conference on the part of the Senate and Assembly, upon the difference between the two Houses upon the bill entitled 'An act to amend chapter 539 of the Laws of 1870, entitled An act in relation to jurors in the city and county of New York,' " respectfully report that they have met in conference, when, on motion, it was resolved that the Senate should recede from its amendment to the first section of the bill, so that the said section should read as follows :

"SECTION 1. Section twenty-seven of an act entitled 'An act in relation to jurors in the city and county of New York,' passed May 2, 1870," is hereby amended so as to read as follows :

"§ 27. A grand jury may be impaneled in the court of oyer and terminer and another in the court of general sessions, and may meet at and sit during the same time ; but whenever either grand jury shall present an indictment against any person for any offense, it shall not be lawful for the other grand jury sitting at the same time to hear or act upon the same matter or make any presentation in relation thereto, so far as it shall relate to the person so presented by the other grand jury."

All of which is respectfully submitted.

THOMAS G. ALVORD,  
H. N. TWOMBLY,  
AUGUSTUS HILL,  
RUSH C. HAWKINS,  
ALBERT L. HAYES,

WM. B. WOODIN,  
E. C. BENEDICT,  
DAN'L F. TIEMANN,  
*Com. on part of Senate.*

*Com. on part of Assembly.*

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver said report to the Senate, and request their concurrence therein.



Mr. Smyth, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to establish a court of special sessions in and for the city of Albany, and to confer further judicial powers upon the recorder of said city."

"An act to amend section 10 of chapter 739 of the Laws of 1857, entitled 'An act to authorize the formation of town insurance companies.'"

"An act authorizing the election of a board of auditors for the town of Lenox, and empowering other towns to avail themselves of the provisions of this act."

"An act to amend chapter 156 of the Laws of 1868, entitled 'An act to incorporate the village of Greenport, Suffolk county.'"

"An act giving the consent of the State of New York to the purchase by and ceding jurisdiction to the United States over certain land on Cumberland Head, Clinton county, within this State, to be occupied as site of light-house, keeper's dwelling, etc."

"An act granting jurisdiction to the United States over a certain piece of land within this State, to be occupied as a site for offices and store-houses, in the construction, repair, and maintenance of a pier, for the formation of a harbor at Oswego, New York."

"An act to amend chapter 576 of the Laws of 1870, entitled 'An act to provide for the introduction of the European system of steam towage upon the canals of this State.'"

"An act to prevent the cutting or taking of ice from Chautauqua lake at certain points therein."

"An act making an appropriation for Sarah Wyatt, widow of Samuel Wyatt."

"An act to repeal chapter 337 of the Laws of 1865, entitled 'An act to prevent manufactures of fish guano and oil, from emptying their refuse waters into the harbors and bays of Suffolk county,' passed April 8, 1865."

Also, as correctly re-engrossed the bill (amended by the Senate) entitled as follows:

"An act to confirm the conveyance of real and personal estate by the Beth El congregation of Jews of the city of New York, to the congregation Shaaray Tefila, of the city of New York."

Mr. Speaker presented a communication from the commissioners of quarantine, in response to a resolution of the Assembly adopted January 26th.

On motion of Hawkins, said communication was referred to the committee on commerce and navigation, and ordered printed.

On motion of Mr. Loughran,

*Resolved* (if the Senate concur), That His Excellency the Governor be requested to return to the Assembly Assembly bill No. 88, being "An act to amend an act entitled 'An act to authorize the trustees of the village of Ellenville, county of Ulster, to borrow money for the purpose of introducing water into the village, and to control and regulate the use of the same,' passed April 5, 1866, and supplemental thereto."

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act concerning the Sodus Bay, Corning and New York Railroad Company, and providing for a change in its corporate name," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to authorize the city of Watertown to borrow money and issue bonds of the city therefor for the purpose of liquidating its present indebtedness," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend chapter 515 of the Laws of 1869, entitled 'An act for the incorporation of the Grand Lodge of the Independent Order of Good Templars of the State of New York,' passed May 3, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to authorize the Clifton Mining Company to succeed to the rights of the Clifton Iron Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trades and manufactures.

"An act to provide for the appointment of the overseer of the poor in the city of Utica," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend an act entitled 'An act to amend an act entitled "An act to incorporate the village of Port Byron,"' passed May 12, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

The Senate sent for concurrence the "concurrent resolutions relative to establishing Albany as a port of entry."

*Ordered*, That said resolutions be laid on the table.

The Senate returned the Assembly bill, recalled from the Governor, entitled "An act to authorize the village of Flushing, Queens county, to borrow money and issue bonds therefor, for the purpose of paying the floating indebtedness of said village, and for the general improvement of the same," with a message that they had reconsidered their vote on the final passage of said bill, and then concurred in the passage of the same as amended.

*Ordered*, That the Clerk return said bill to the Senate.

The Senate returned the bill entitled "An act to change the name of the First Congregational Church and Society of Poughkeepsie, New York," with a mesage that they had passed the same with the following amendments :

Insert as section 2 the following :

"§ 2. Nothing herein contained shall be construed as in any wise effecting the liability of the First Congregational Church and Society in Poughkeepsie, New York."

Change number of section 2 to 3.

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 94 }  
{ NOES 3 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Aitken        | Couchman   | Holdridge  | Marcy   | Smyth           |
| Alberger      | Crandall   | Hollister  | Moore   | Sniper          |
| Alvord        | Davidson   | Houghton   | Morton  | Speaker         |
| D. L. Babcock | Dykeman    | Hungerford | Mosher  | Squires         |
| I. H. Babcock | Eastman    | Hyatt      | Moulton | Swain           |
| Badeau        | Flammer    | Jacobs     | Oakley  | Tobey           |
| Baltz         | Fort       | Judd       | Osgood  | D. Tomkins      |
| Bemus         | Fowler     | Kennedy    | Paige   | Twombly         |
| Berri         | Frear      | Knapp      | Pell    | A. L. Van Dusen |
| Blair         | Geib       | Knettles   | Pierce  | W. J. Van Dusen |
| E. E. Brown   | Goss       | Lewis      | Preston | Wells           |
| I. D. Brown   | Green      | Lincoln    | Prince  | Whitbeck        |
| Buckley       | Gregory    | Lippitt    | Ray     | White           |
| Buell         | Haight     | G. D. Lord | Rice    | Whitaker        |
| Burns         | Hart       | G. P. Lord | Rose    | Wiley           |
| Burritt       | Haughton   | Lott       | Sage    | Woodward        |
| Campbell      | Hawkins    | Loughran   | Simson  | Woolsey         |
| Chambers      | A. Hill    | Lynde      | Smiley  | Wyman           |
| Cook          | D. B. Hill | Mackay     | Smith   |                 |

Those who voted in the negative, were

Fields                      Foley                      Moseley

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to amend an act entitled 'An act to amend the several acts incorporating the village of Weedsport, in the county of Cayuga,' passed April 7, 1857," with a message that they had passed the same, with the following amendments:

Strike out all of section 1 after the word "village," in next to last line of engrossed bill, and insert the following:

"As provided in section forty-three of the act hereby amended. Whenever the widening or alteration of any street shall require the removal of any foundation walls or temporary structures, in any part of the village where buildings have been destroyed by fire, the commissioners appointed to assess the damages, as herein provided, shall include in their report the time when such foundation walls or temporary structures shall be removed, and shall take the same into consideration in their estimate of damages. In case the owners do not remove such foundation walls or temporary structures within the time so fixed, after notice thereof has been given by the trustees of said village, the said trustees shall have power to remove the same at the expense of such owners."

Insert as section 2, the following:

"§ 2. All acts and parts of acts inconsistent with this act are hereby repealed."

Add as section 3, as follows:

"§ 3. This act shall take effect immediately."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.



{ AYES 91 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |           |            |            |                 |
|---------------|-----------|------------|------------|-----------------|
| Abbott        | Crandall  | Hollister  | Mosher     | Tilden          |
| Aitken        | Davidson  | Houghton   | Oakley     | Tobey           |
| Alvord        | Dykeman   | Husted     | Osgood     | D Tomkins       |
| D. L. Babcock | Eastman   | Hyatt      | Pell       | M. M. Tompkins  |
| I. H. Babcock | Flammer   | Jacobs     | Pierce     | Tucker          |
| Badeau        | Foley     | Kennedy    | Prince     | Twombly         |
| Baltz         | Fort      | Knapp      | Ray        | A. L. Van Dusen |
| Beckwith      | Fowler    | Lincoln    | Rice       | W. J. Van Dusen |
| Bemus         | Frear     | Lippitt    | Rose       | Vedder          |
| Berri         | Geib      | G. D. Lord | Sage       | Wells           |
| Blair         | Goss      | G. P. Lord | Simson     | West            |
| E. E. Brown   | Gregory   | Lott       | Smith      | Whitbeck        |
| I. D. Brown   | Haight    | Loughran   | Smyth      | White           |
| Buell         | Hart      | Lynde      | Sniper     | Whitaker        |
| Burritt       | Haughton  | Mackay     | Springsted | Wiley           |
| Campbell      | Healy     | Marcy      | Squires    | Woolsey         |
| Chambers      | A. Hill   | Moore      | Strahan    | Wyman           |
| Cook          | Holdridge | Morton     | Swain      | Yeomans         |
| Couchman      |           |            |            |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

Mr. Speaker announced the special order, being the bill entitled "An act to reorganize the local government of the city of New York."

Mr. Alvord moved that said order be rescinded, and that said bill be made a special order for to-morrow morning immediately after reading the journal.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Alvord moved to lay all orders of business on the table down to reports of committees.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Alvord, from the committee on ways and means, to which was referred the concurrent resolution proposing an amendment to the Constitution relative to pay of members of the Legislature, reported in favor of the adoption of the following substitute for such resolution :

"Concurrent resolution proposing an amendment to the Constitution relative to pay of members of the Legislature.

"*Resolved* (if the Senate concur), That section six of article three of the Constitution of this State be amended so as to read as follows :

"SEC. 6. The members of the Legislature shall each receive an annual salary of one thousand dollars, and ten cents for every mile they shall travel in once going to and returning from their place of meeting by the most usual route.

"The Speaker of the Assembly shall receive an additional salary of five hundred dollars; but the Legislature shall provide, by law, for a deduction from the salary of members for non-attendance."

*Ordered*, That said resolution be referred to the committee of the whole

Mr. Alvord, from the committee on ways and means, offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the petition of Dolly Johnson heretofore referred by the House to the committee on ways and means, be taken from that committee and referred to the Attorney-General for his opinion, and upon the incoming of his report the same together with said report be recommitted to said committee.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Green, from the committee on commerce and navigation, to which was referred the bill entitled "An act to incorporate the Fire Island Hotel, and establish ferries across Fire Island or Great South Bay, in Suffolk county," reported the same for the consideration of the House; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Squires, from the committee on banks, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the New York Life Insurance and Trust Company, passed March 9, 1830,' and the act amendatory thereof, passed May 2, 1834," reported in favor of the passage of the same with an amendment; which report was agreed to and said bill committed to the committee of the whole.

Mr. Squires, from the committee on banks, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Haverstraw Savings Bank of the town of Haverstraw in the county of Rockland,' passed April 27, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Squires, from the committee on banks, to which was referred the Senate bill entitled "An act to amend an act entitled 'An act incorporating the Goshen Savings Bank,' passed April 11, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Squires, from the committee on banks, to which was referred the Senate bill entitled "An act to amend an act entitled 'An act to amend an act to incorporate the Savings Bank of the city of Utica,' passed April 26, 1839, passed April 11, 1870," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lippitt, from the committee on insurance, to which was referred the bill entitled "An act to incorporate the Citizens' Slate Glass Insurance Company," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Loughran, from the committee on public health, to which was referred the bill entitled "An act to incorporate the Ulster General Hospital," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Loughran, from the committee on public health, to which was referred the bill entitled "An act for the preservation of the public health, by preventing the use of old and second-hand barrels for packing sugar, flour and meal," reported adversely thereto; which report was agreed to.

Mr. Loughran, from the committee on public health, to which was referred the bill entitled "An act to protect physicians and surgeons in cases of alleged malpractice," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Pittsford, county of Monroe,' passed April 11, 1870," reported in favor of the passage of the same, with amendments, and the title amended so as to read as follows: "An act to amend chapter 177 of the Laws of 1870, entitled 'An act to incorporate the village of Pittsford, county of Monroe, State of New York,' passed April 11, 1870," which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was recommended the bill entitled "An act to provide for the joint purchase of a steam fire-engine in the villages of Tonawanda, Erie county, and North Tonawanda, Niagara county, and for the more effectual protection of said villages against fire," retaining its place on general orders, reported in favor of the passage of the same, with amendments, and the title amended so as to read as follows: "An act to provide for the purchase of a steam fire-engine in the village of Tonawanda, Erie county, and for the more effectual protection of said village against fire," which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to incorporate the Mamaroneck and Rye Neck fire department," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on affairs of villages, to which was referred the bill entitled "An act to amend an act passed May 10, 1870, entitled 'An act to amend an act entitled An act to provide for the incorporation of villages, passed December 7, 1847, and the several acts amendatory thereof, so far as the same relate to the village of Mt. Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act for the incorporation of villages,' passed April 20, 1870," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the Senate bill entitled "An act to amend an act entitled 'An act to amend and consolidate the charter of the village of Middletown,' passed March 31, 1861," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Association for the Benefit of Colored Orphans in the city of New York,' passed April 10, 1838; passed April 1, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate St. Agnes Cemetery of Syracuse, New York," reported in favor of the passage of



the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to authorize the Montour Cemetery Association of the village of Havana, Schuyler county, New York, to remove the bodies buried in the old burial-ground in said village to the new cemetery of said association, and to vest the title of said old burial-ground in the said association," reported in favor of the passage of the same, with the title amended so as to read: "An act to authorize the Montour Cemetery Association of the village of Havana, Schuyler county, New York, to remove the bodies buried in the old burial-ground in said village to the new cemetery of said association, and to vest the title of said old burial-ground in the said association," which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to repeal chapter 599 of the Laws of 1871, relative to the Young Men's Association in the city of Albany," reported adversely thereto, which report was agreed to.

Mr. Campbell, from the committee on commerce and navigation, to which was referred the bill entitled "An act to confer upon Horace C. Tracy and Peter Fish the right to establish a ferry across Cayuga lake, and to extend, in their behalf, 'An act to establish such ferry,' passed April 5th, 1844, and extended by chapter 31, Laws of 1858, to Horace C. Tracy and Isaac A. Brokaw, for the term of fourteen years, from the 5th day of April, 1858," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. G. P. Lord, from the committee on public education, to which was referred the bill entitled "An act to amend an act to enable Ezra Cornell to found a public library and literary institution in the village of Ithaca," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. G. P. Lord, from the committee on public education, to which was referred the Senate bill entitled "An act in relation to Columbia College, in the city of New York," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

On motion of Mr. Alvord, at 12 o'clock, the House adjourned.

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## THURSDAY, FEBRUARY 15, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Morrow.

The journal of yesterday was read and approved.

By unanimous consent, Mr. G. D. Lord introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the Rochester Savings Bank,' passed April 21, 1831," which was read the first time, and by

unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent Mr. Tobey offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the sub-committee on insurance be and it is hereby authorized to employ all necessary assistance in transcribing the stenographic notes of the testimony taken and to be taken in the investigation now pending into the affairs of the Insurance Department, the compensation therefor to be fixed by the official stenographer of the House and approved by the Speaker, and that the usual number of copies thereof be printed as the investigation progresses for the use of the members of the Legislature.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

{ AYES 95 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Couchman   | Hollister  | Mosher     | Strahan         |
| Aitken        | Crandall   | Houghton   | Moulton    | Swain           |
| Alberger      | Davidson   | Hungerford | Murdock    | Tobey           |
| Alvord        | Dykeman    | Husted     | Niles      | D. Tomkins      |
| D. L. Babcock | Eastman    | Hyatt      | Osgood     | M. M. Tompkins  |
| I. H. Babcock | Flammer    | Jacobs     | Paige      | Tucker          |
| Badeau        | Foley      | Judd       | Pell       | Twombly         |
| Baltz         | Fowler     | Kennedy    | Preston    | A. L. Van Dusen |
| Beckwith      | Geib       | Kingsland  | Prince     | W. J. Van Dusen |
| Berri         | Goss       | Knapp      | Rice       | Vedder          |
| E. E. Brown   | Green      | Lewis      | Roche      | Wells           |
| I. D. Brown   | Greenhalgh | Lincoln    | Rose       | West            |
| Buckley       | Gregory    | Lippitt    | Sage       | Whitbeck        |
| Burns         | Haight     | G. D. Lord | Simson     | Whitaker        |
| Burritt       | Hart       | G. P. Lord | Smith      | Wiley           |
| Campbell      | Hawkins    | Lott       | Smyth      | Woodward        |
| Chamberlain   | Herrick    | Mackay     | Snyder     | Woolsey         |
| Chambers      | A. Hill    | Morton     | Speaker    | Wyman           |
| Cook          | Holdridge  | Moseley    | Springsted | Yeomans         |

By unanimous consent, Mr. Twombly introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the New York City Central Underground Railway Company, and to authorize the said company to construct and operate a certain underground railway in the city of New York, passed April 17, 1868, being chapter 824 of the Laws of 1868, and the act amending the same,' passed May 11, 1869, being chapter 230 of the Laws of 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

On motion of Mr. Strahan, and by unanimous consent, the Senate bill entitled "An act to amend an act entitled 'An act to amend and consolidate the charter of the village of Middletown,' passed March 31, 1866," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 103 }  
 { NOES 00 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Abbott        | Cook        | A. Hill    | Mosher  | Speaker         |
| Aitken        | Couchman    | D. B. Hill | Moulton | Springsted      |
| Alberger      | Crandall    | Holdridge  | Murdock | Strahan         |
| Alvord        | Dykeman     | Houghton   | Niles   | Swain           |
| D. L. Babcock | Eastman     | Hungerford | Osgood  | D. Tomkins      |
| I. H. Babcock | Enos        | Hyatt      | Paige   | M. M. Tompkins  |
| Badeau        | Flammer     | Judd       | Pell    | Tucker          |
| Baltz         | Foley       | Kennedy    | Preston | A. L. Van Dusen |
| Beckwith      | Fowler      | Kingsland  | Prince  | W. J. Van Dusen |
| Bemus         | Frear       | Lewis      | Ray     | Vedder          |
| Berri         | Geib        | Lincoln    | Rice    | Wells           |
| Blair         | Goss        | Lippitt    | Roche   | West            |
| E. E. Brown   | Green       | G. D. Lord | Rose    | Whitbeck        |
| I. D. Brown   | Gregory     | G. P. Lord | Sage    | White           |
| Buckley       | Haight      | Lott       | Simson  | Whitaker        |
| Burns         | Hart        | Loughran   | Smiley  | Wiley           |
| Burritt       | Haughton    | Mackay     | Smith   | Woodward        |
| Campbell      | Hawkins     | Marcy      | Smyth   | Woolsey         |
| Carroll       | A. L. Hayes | Moore      | Sniper  | Wyman           |
| Chamberlain   | Healy       | Morton     | Snyder  | Yeomans         |
| Chambers      | Herrick     | Moseley    |         |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

Mr. Strahan moved that the vote on the final passage of said bill be reconsidered, and that that motion lay on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Smyth, from the committee on engrossed bills, reported as correctly re-engrossed the bill (as amended by the Senate), entitled as follows:

“An act to change the name of the First Congregational Church and Society of Poughkeepsie, New York.”

Mr. Speaker presented the report of the commission appointed by chapter 868, Laws of 1871, “relative to the fostering and developing of the internal commerce of the State;” which was laid on the table, and ordered printed.

(See Doc. No. 61.)

In connection therewith Mr. Alvord offered for the consideration of the House a resolution in the words following:

*Resolved*, That there be printed for the use of the commission appointed by chapter 686, Laws of 1871, entitled ‘An act to foster and develop the internal commerce of the State,’ etc., 2,500 copies of the report of said commission to the Legislature.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Speaker presented the fifth annual report of the trustees and officers of the Institution for the Improved Instruction of Deaf Mutes; which was laid on the table, and ordered printed.

(See Doc. No. 61.)

Mr. Simson, from the committee on canals, to which was referred the bill entitled “An act to supply the deficiency in the appropriation to pay the expenses of the superintendence, ordinary repairs and maintenance of the canals for the remainder of the fiscal year, which commenced on



the 1st day of October, 1871, and to regulate manner of drawing warrants by the Auditor of the Canal Department upon the Treasurer," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

The Senate returned the concurrent resolution, requesting the Governor to return to the Assembly the bill entitled "An act to amend an act entitled 'An act to authorize the trustees of the village of Ellenville, county of Ulster, to borrow money for the purpose of introducing water into the village, and to control and regulate the use of the same,' passed April 5, 1866, and supplemental thereto," with a message that they had concurred in the passage of the same, without amendment.

*Ordered*, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution, recalling from the Governor the bill entitled "An act to authorize the election of an additional justice of the peace in the town of Manlius, in the county of Onondaga," for amendment, with a message that they had concurred in the passage of the same, without amendment.

*Ordered*, That the Clerk deliver said resolution to the Governor.

Mr. Speaker announced the special order, being the bill entitled "An act to reorganize the local government of the city of New York."

The House then resolved itself into a committee of the whole on the said entitled bill.

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Eastman, from said committee, reported progress on said bill, and asked and obtained leave to sit again.

Mr. Alvord moved that said bill be made a special order for this evening at 7½ o'clock.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

The Senate returned the concurrent resolution, in the words following: "*Resolved* (if the Senate concur), That when the Legislature adjourns on Friday the 16th, it adjourn to meet on the evening of Monday the 26th, at half-past seven o'clock," with a message that they had concurred in the passage of the same, with the following amendment:

Strike out the words "Friday the 16th," and insert the words "Saturday the 17th."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 65 }  
{ NOES 47 }

Those who voted in the affirmative, were

|          |          |            |         |                 |
|----------|----------|------------|---------|-----------------|
| Abbott   | Cook     | J. Hayes   | Moseley | Snyder          |
| Aitken   | Couchman | Healy      | Moulton | Tilden          |
| Alberger | Davidson | A. Hill    | Murdock | D. Tomkins      |
| Badeau   | Dunphy   | D. B. Hill | Niles   | M. M. Tompkins  |
| Bemus    | Dykeman  | Houghton   | Oakley  | Tucker          |
| Bennett  | Enos     | Husted     | Paige   | Twombly         |
| Blair    | Fields   | Jacobs     | Pell    | W. J. Van Dusen |
| Buckley  | Fowler   | Judd       | Pierce  | Vedder          |
| Buell    | Geib     | G. D. Lord | Prince  | Wells           |
| Burns    | Green    | G. P. Lord | Ray     | Whitbeck        |

|             |          |        |        |         |
|-------------|----------|--------|--------|---------|
| Campbell    | Haight   | Lott   | Smiley | Wiley   |
| Chamberlain | Haughton | Marcy  | Smyth  | Woolsey |
| Chambers    | Hawkins  | Morton | Sniper | Wyman   |

Those who voted in the negative, were

|               |             |          |            |                 |
|---------------|-------------|----------|------------|-----------------|
| Alvord        | Goring      | Kennedy  | Moore      | Springsted      |
| D. L. Babcock | Goss        | Knapp    | Osgood     | Squires         |
| E. E. Brown   | Gregory     | Knettles | Preston    | Strahan         |
| I. D. Brown   | Hart        | Lewis    | Rose       | Swain           |
| Burritt       | A. L. Hayes | Lincoln  | Sage       | A. L. Van Dusen |
| Crandall      | Herrick     | Lippitt  | Shepardson | West            |
| Eastman       | Holdridge   | Loughran | Simson     | Whitaker        |
| Flammer       | Hollister   | Lynde    | Smith      | Woodward        |
| Foley         | Hungerford  | Mackay   | Speaker    | Yeomans         |
| Frear         | Hyatt       |          |            |                 |

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing of concurrence in their amendment.

Mr. Strahan moved to take from the table the Senate bill entitled "An act to amend an act entitled 'An act to amend and consolidate the charter of the village of Middletown,' passed March 31, 1866."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Strahan then moved to reconsider the vote on the final passage of said bill.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Couchman    | A. Hill    | Moore      | Springsted      |
| Alberger      | Crandall    | D. B. Hill | Morton     | Strahan         |
| Alvord        | Dykeman     | Holdridge  | Mosher     | Swain           |
| D. L. Babcock | Eastman     | Hollister  | Moulton    | Tilden          |
| Badeau        | Enos        | Houghton   | Osgood     | M. M. Tompkins  |
| Baltz         | Fields      | Husted     | Pell       | Tucker          |
| Beckwith      | Foley       | Hyatt      | Pierce     | A. L. Van Dusen |
| Bemus         | Geib        | Jacobs     | Preston    | W. J. Van Dusen |
| Bennett       | Goring      | Judd       | Prince     | Vedder          |
| E. E. Brown   | Goss        | Kennedy    | Ray        | Wells           |
| I. D. Brown   | Green       | Knettles   | Rice       | West            |
| Buckley       | Gregory     | Lewis      | Rose       | Whitbeck        |
| Buell         | Haight      | Lippitt    | Shepardson | Whitaker        |
| Burns         | Hart        | G. D. Lord | Simson     | Wiley           |
| Burritt       | Haughton    | Lott       | Smith      | Woodward        |
| Campbell      | A. L. Hayes | Loughran   | Smyth      | Wyman           |
| Chambers      | Healy       | Lynde      | Speaker    | Yeomans         |
| Cook          | Herrick     | Mackay     |            |                 |

For the negative

Chamberlain

Mr. Strahan then moved to recommit said bill to the committee on the affairs of villages, with power to report at any time, retaining its place on third reading of bills.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
ALBANY, February 15, 1872. }

*To the Assembly :*

In compliance with a joint resolution of the Senate and Assembly, I return herewith, for amendment, Assembly bill No. 88, entitled "An act to amend an act entitled 'An act to authorize the trustees of the village of Ellenville, county of Ulster, to borrow money for the purpose of introducing water into the village, and to control and regulate the use of the same,' passed April 5, 1866, and supplemental thereto."

JOHN T. HOFFMAN.

Mr. Loughran moved to reconsider the vote by which the amendments made by the Senate to said bill were concurred in.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 94 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Cook       | Houghton   | Murdock    | Springsted      |
| Alberger      | Couchman   | Husted     | Osgood     | Strahan         |
| Alvord        | Crandall   | Hyatt      | Paige      | Swain           |
| D. L. Babcock | Davidson   | Jacobs     | Pell       | M. M. Tompkins  |
| Badeau        | Dykeman    | Judd       | Pierce     | Tucker          |
| Baltz         | Enos       | Kennedy    | Preston    | Twombly         |
| Beckwith      | Flammer    | Knapp      | Prince     | A. L. Van Dusen |
| Bemus         | Fowler     | Knettles   | Ray        | W. J. Van Dusen |
| Bennett       | Goring     | Lewis      | Rice       | Vedder          |
| Blair         | Goss       | Lincoln    | Roche      | Wells           |
| E. E. Brown   | Green      | G. D. Lord | Rose       | West            |
| I. D. Brown   | Gregory    | Lott       | Sage       | Whitbeck        |
| Buckley       | Hart       | Loughran   | Shepardson | Whitaker        |
| Buell         | Hawkins    | Mackay     | Simson     | Wiley           |
| Burns         | Herrick    | Moore      | Smiley     | Woodward        |
| Burritt       | A. Hill    | Morton     | Smith      | Woolsey         |
| Carroll       | D. B. Hill | Moseley    | Smyth      | Wyman           |
| Chamberlain   | Holdridge  | Mosher     | Sniper     | Yeomans         |
| Chambers      | Hollister  | Moulton    | Speaker    |                 |

Mr. Loughran then moved that the House non-concur in the amendments made thereto by the Senate.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have non-concurred in their amendments.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
ALBANY, February 15, 1872. }

*To the Assembly :*

In compliance with the joint resolution of the Senate and Assembly, I return herewith, for amendment, Assembly bill No. 64, entitled "An act to authorize the election of an additional justice of the peace in the town of Manlius, in the county of Onondaga."

JOHN T. HOFFMAN.



Mr. Alvord moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Chambers   | Houghton   | Niles      | Springsted      |
| Alberger      | Cook       | Husted     | Oakley     | Strahan         |
| Alvord        | Couchman   | Hyatt      | Osgood     | Swain           |
| D. L. Babcock | Crandall   | Jacobs     | Pell       | M. M. Tompkins  |
| Badeau        | Davidson   | Knapp      | Pierce     | Tucker          |
| Baltz         | Dykeman    | Knettles   | Preston    | A. L. Van Dusen |
| Beckwith      | Enos       | Lewis      | Prince     | W. J. Van Dusen |
| Bemus         | Fowler     | Lincoln    | Rice       | Vedder          |
| Bennett       | Geib       | G. D. Lord | Roche      | Wells           |
| Blair         | Goss       | Lott       | Rose       | West            |
| E. E. Brown   | Green      | Loughran   | Sage       | Whitbeck        |
| I. D. Brown   | Gregory    | Mackay     | Shepardson | Whitaker        |
| Buckley       | Hart       | Moore      | Simson     | Wiley           |
| Buell         | Hawkins    | Morton     | Smith      | Woodward        |
| Burns         | Herrick    | Mosher     | Smyth      | Woolsey         |
| Burritt       | A. Hill    | Moulton    | Sniper     | Wyman           |
| Campbell      | D. B. Hill | Murdock    | Speaker    | Yeomans         |
| Chamberlain   | Holdridge  |            |            |                 |

On motion of Mr. Alvord, and by unanimous consent, said bill was amended as follows:

Section 1, line 6, of printed bill, strike out the words "immediately after" and insert the words "on the first day of January succeeding;" and in line 7 strike out the word "five" and insert the word "six."

Section 2, line 2, strike out the word "five" and insert the word "six."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, as amended, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 90 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Abbott        | Couchman    | Hollister  | Mosher  | Springsted      |
| Alberger      | Crandall    | Houghton   | Murdock | Squires         |
| Alvord        | Davidson    | Husted     | Niles   | Swain           |
| D. L. Babcock | Dykeman     | Hyatt      | Oakley  | M. M. Tompkins  |
| Badeau        | Enos        | Jacobs     | Osgood  | Tucker          |
| Beckwith      | Flammer     | Judd       | Pell    | Twombly         |
| Bemus         | Foley       | Kennedy    | Pierce  | A. L. Van Dusen |
| Bennett       | Geib        | Knapp      | Preston | W. J. Van Dusen |
| E. E. Brown   | Goring      | Lewis      | Prince  | Vedder          |
| I. D. Brown   | Gregory     | Lincoln    | Rice    | Wells           |
| Buckley       | Hart        | Lippitt    | Roche   | West            |
| Buell         | Hawkins     | G. D. Lord | Rose    | Whitbeck        |
| Burns         | A. L. Hayes | Lott       | Sage    | Whitaker        |
| Burritt       | Healy       | Loughran   | Simson  | Wiley           |

|             |            |        |         |          |
|-------------|------------|--------|---------|----------|
| Campbell    | Herrick    | Lynde  | Smith   | Woodward |
| Chamberlain | A. Hill    | Mackay | Smyth   | Woolsey  |
| Chambers    | D. B. Hill | Moore  | Sniper  | Wyman    |
| Cook        | Holdridge  | Morton | Speaker | Yeomans  |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

A message from the Senate was received and read, informing of concurrence in the passage of the bills entitled as follows:

"An act to incorporate the Little Falls Water-works Company."

"An act to amend an act entitled 'An act to reorganize the fire department of the city of Albany,' passed March 29, 1867."

"An act to authorize the trustees of the village of Clyde, Wayne county, New York, to raise by tax the sum of twelve hundred dollars, wherewith to pay the indebtedness existing against said village."

"An act supplementary to and amendatory of 'An act in relation to a public park in the city of Albany,' passed May 5, 1869, and the acts supplemental and amendatory thereof."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate also returned the bill entitled as follows:

"An act to confirm the conveyance of real and personal estate by the 'Beth El' congregation of Jews, of the city of New York, to the congregation 'Shaaray Tefila,' of the city of New York."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Husted moved to lay all orders of business except "presentation of petitions, "introduction of bills," and "reports of standing committees," upon the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Alberger presented a petition of Indians on the Cattaraugus reservation, asking for aid; which was read and referred to the committee on ways and means.

Mr. Husted presented a petition of stone-cutters employed on the new capitol for enforcement of the eight-hour law; which was read and referred to the committee on ways and means.

Mr. Judd presented a petition from citizens of Staten Island, asking to be embraced under a metropolitan police act; which was read and referred to the committee on the affairs of cities.

Mr. Herrick presented a petition of voters of the town of Sand Lake in regard to dram selling; which was read and referred to the committee on internal affairs

Mr. Preston presented a petition of citizens of Dunkirk, in the county of Chautauqua, asking an appropriation for the purpose of draining the Conewango swamp; which was read and referred to the committee on ways and means.

Mr. Springsted presented a petition of ninety freeholders of Albany, in favor of exempting mortgages from taxation; which was read and referred to the committee on ways and means.

Mr. Moore presented a petition of Robert J. Atchinson and others for an amendment to an act to incorporate the superintendents of the fair grounds of the town of Oswegatchie, passed April 15, 1871; which was read and referred to the committee on agriculture.

Mr. Swain presented a remonstrance of citizens of Lewiston, Niagara county, against the passage of Senate bill No. 20, entitled "An act to

amend an act to facilitate the construction of the Lake Ontario Shore railroad; which was read and referred to the committee on railroads.

Mr. Yeomans presented a petition of officers and stockholders of the Palmyra Union Agricultural Society, praying for a portion of the moneys appropriated to county agricultural societies; which was read and referred to the committee on agriculture.

Mr. Houghton presented a petition of R. R. Day and others asking for the opening of an avenue in Saratoga Springs; which was read and referred to the committee on the affairs of villages.

Mr. Alberger presented a petition of citizens of Cleveland, Oswego county, for amendment to life insurance companies, that their business shall be upon the mutual system; which was read and referred to the committee on insurance.

Mr. Judd presented a petition from citizens of Staten Island for the Legislature to enquire into the affairs and management of the Seamen's Retreat; which was read and referred to the committee on ways and means.

Mr. Kennedy presented a petition from Livingston county for relief to the Nunda Academy, located at Nunda, Livingston county, New York; which was read and referred to the committee on ways and means.

Mr. Moulton presented a petition of property owners in the city of New York in relation to railroad abuses on Fourth avenue, praying for relief; which was read and referred to the committee on the affairs of cities.

Mr. I. D. Brown presented a petition of citizens of Weedsport for a vertical wall in the Erie canal where it runs through said village; which was read and referred to the committee on canals.

Messrs. Husted, Whitbeck, Judd, Mackay, Prince and G. D. Lord, severally, presented petitions of citizens of New York city for repeal of the classification act and new election of directors of the Erie Railway Company; which was read and referred to the committee on railroads.

Mr. Sniper presented a remonstrance of the Syracuse Firemen's Benevolent Association against the passage of an act to exempt foreign insurance companies from paying percentage; which was read and referred to the committee on insurance.

Mr. Sage presented a petition of 128 citizens and tax-payers of Mexico, Oswego county, praying for the repeal of chapter 808 of the Laws of 1870, entitled an act to maintain the bridges of Oneida, Oswego and Salmon rivers, in said county; which was read and referred to the committee on roads and bridges.

Mr. Herrick presented a remonstrance of thirty-three tax-payers against bonding the village of Greenbush for paying indebtedness and making improvement; which was read and referred to the committee on the affairs of villages.

Mr. Alberger presented a petition of Pratt & Co., for relief for canal damages; which was read and referred to the committee on claims.

Mr. Davidson presented a petition of I. M. Bird and others for an iron bridge over the Genesee Valley canal; which was read and referred to the committee on canals.

Mr. Niles presented a petition of the tax-payers of Morrisania for the passage of a registry law; which was read and referred to the committee on the judiciary.

Mr. Husted presented a petition of citizens of Westchester county,



praying for relief from railroad oppression; which was read and referred to the committee on railroads.

Mr. Alvord presented a petition of James H. King and Amos B. King, for relief; which was read and referred to the committee on claims.

Mr. Davidson presented a petition of the citizens of Warsaw for power to extend the corporate limits of said village; which was read and referred to the committee on the affairs of villages.

Mr. Osgood presented a petition of St. Vincent Female Orphan Asylum, of the city of Troy, for an extra appropriation; which was read and referred to the committee on ways and means.

Also, a petition of the Day Home, of Troy, for aid; which was read and referred to the committee on ways and means.

Mr. Chambers presented a petition of the tax-payers of the town of West Seneca for the passage of the act giving the town commissioners the right to build a bridge in said town; which was read and referred to the committee on roads and bridges.

Messrs. Woodward, Smyth, Murdock, Knapp, Hart, West and Herrick, severally, presented petitions from schools in different parts of the State, praying for an increase of the Literature Fund; which were read and referred to the committee on public education.

Messrs. Swain, Lincoln, Goss, Wiley, Mackay, Gregory, Abbott, G. D. Lord, Woolsey, Murdock, Fowler, Loughran, Smyth and Kennedy, severally, presented remonstrances from citizens of different portions of the State, against legislative interference in the management of the Erie railway; which were read and referred to the committee on railroads.

Mr. Alvord presented ten remonstrances, as above, on behalf of Mr. Ely, and which were found by his family in their possession after his decease; which were read and referred to the committee on railroads.

Mr. Lott presented a petition for the repeal of the railroad bonding law; which was read and referred to the committee on railroads.

Mr. Pierce, from the committee on the affairs of villages, to which was recommended the Senate bill entitled "An act to amend an act entitled 'An act to amend and consolidate the charter of the village of Middletown,' passed March 31, 1866," with power to report at any time, retaining its place on third reading, reported in favor of the passage of the same, with amendments; which report was agreed to and said bill placed on the calendar of bills ordered to a third reading.

Mr. Alvord, from the committee on ways and means, reported the bill entitled "An act making appropriations for the support of government;" which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Alvord presented a report from the committee on ways and means upon the capitol commission investigation; which was laid on the table and ordered printed.

(See Doc. No. 59.)

In connection therewith, Mr. Alvord offered a resolution in the words following:

*Resolved*, That the charges made against the commissioners for erecting the new capitol, and the superintendent of the work thereon, of using the new capitol as a political machine for the purpose of advancing the political interests of said commissioners; that the employes of the State have worked upon private contracts while paid by the State; and that building materials have been taken from the new capitol and

appropriated to private and individual use, without good reason, and without accounting to the State therefor, are not proven by the authors of such charges, and have been satisfactorily proven to be untrue.

*Resolved*, That the committee on ways and means be discharged from the further consideration of the matters contained in the preamble and resolution in this report mentioned.

Mr. Speaker put the question whether the House would agree to said resolutions, and it was determined in the affirmative.

Mr. Jacobs asked that the minority have leave to present a minority report to-morrow morning.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Alvord, from the committee on ways and means, to which was referred the bill entitled "An act to supply deficiencies in former appropriations, and to pay the indebtedness of the State, which deficiencies and indebtedness have been changed into liabilities for money borrowed to pay them into certificates of indebtedness, on which the State is now paying interest, and to pay the floating indebtedness of the State, and the estimated liabilities for the present fiscal year not yet provided for by law," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Alvord, from the committee on ways and means, to which was referred the bill entitled "An act providing for additional compensation to deputies, clerks and assistants in the various departments of the State government," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Alvord, from the committee on ways and means, to which was referred the bill entitled "An act to amend chapter 12 of the Laws of 1872, entitled 'An act prescribing the officers and employes that may be elected, appointed or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees and providing for the payment of the expenses thereof,'" reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Alvord, from the committee on ways and means, to which was referred the bill entitled "An act to provide for the payment of certain officers and employes of the Senate and Assembly for their services," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Green, from the committee on commerce and navigation, to which was referred the bill entitled "An act to authorize the rebuilding and repairing of certain wharves and piers in the city of Brooklyn," reported in favor of the passage of the same, with an amendment; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Alberger, from the committee on commerce and navigation, to which was referred the petition of Newton Layman, praying for relief against the unlawful practices of the officers of the Pacific Mail Steamship company, reported adverse to the prayer of the petitioner, and asking to be discharged from the further consideration thereon; which report was agreed to.



Mr. Geib, from the committee on commerce and navigation, to which was referred the bill entitled 'An act to incorporate the Importers' and Grocers' Board of Trade of the city of New York,' reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act for the relief of the Coney Island and Brooklyn Railroad Company," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to authorize the Buffalo and Springville Railroad Company to change the terminus of their road," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to authorize the extension and construction of railroad tracks in Tenth street, and other streets and avenues in the city of New York," reported in favor of the passage of the same, with an amendment; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to amend section 3 of chapter 533 of Laws of 1867, entitled 'An act for the relief of the Van Brunt Street and Erie Basin Railroad Company,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the Senate bill entitled "An act to extend the time for the completion of the Erie and New York City railroad," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the Senate bill entitled "An act to authorize the Cazenovia and De Ruyter Railroad Company to take increased fare on their road," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the Senate bill entitled "An act to extend the time for beginning the construction of the Cattaraugus Railway Company," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the Senate bill entitled "An act authorizing the Syracuse Northern Railroad Company to extend its road and make certain connections, and mortgage its real estate and personal property, and certain towns in Onondaga and Jefferson counties to issue bonds in aid thereof," reported in favor of the passage of the same, with an amendment.

Mr. Knapp, from the committee on the petitions of aliens, to which was referred the bill entitled "An act confirming a conveyance of real estate to Dennis Murphy, and authorizing him to hold estate," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.



Mr. Knapp, from the committee on petitions of aliens, to which was referred the bill entitled "An act to enable aliens to hold and convey real estate," reported adversely thereto; which report was agreed to.

Mr. Knapp, from the committee on petitions of aliens, to which was referred the bill entitled "An act to enable aliens to take and hold real estate, and to release the interest of the people of the State of New York in escheated lands," reported adversely thereto; which report was agreed to.

Mr. Kingsland, from the committee on banks, to which was referred the bill entitled "An act to incorporate the Riverhead Savings Bank," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Knapp, from the committee on petitions of aliens, to which was referred the bill entitled "An act for the relief of the devisees and heirs-at-law of Louis Planer and Josephine Planer, deceased," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to appoint commissioners to make a survey of Richmond county, and certain maps therefrom, and to mature and report a plan for laying out Staten Island, and for securing a water supply for the inhabitants thereof," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to authorize the various towns throughout the State which shall have an excess of excise money accruing under the excise law to expend the same," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to amend an act entitled 'An act in relation to the bonded debt of the town of East Chester, county of Westchester,' passed April 19, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to confirm and legalize the action of the board of supervisors of Cayuga county in relation to the number of superintendents of the poor of said county," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the Senate bill entitled "An act to amend an act entitled 'An act to authorize the board of trustees of the town of Morrisania to lay out and open 156th street, from St. Ann's avenue to the Third avenue in the town of Morrisania, county of Westchester,' passed April 13, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to provide for supplying the village of Peekskill with water and authorizing the issue of bonds therefor and to create a board of water commissioners," reported in favor of the pas-

sage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to authorize the lighting of public streets and avenues in the town of Fishkill in the county of Dutchess," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to revise and amend an act entitled An act to incorporate the village of Canton, passed May 13, 1845,' and the several acts amendatory thereof, passed April 22, 1865, and amended April 6, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to repeal an act entitled 'An act to establish a police force in the county of Richmond,' passed April 28, 1870," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to incorporate the Protection Hose Association of the village of Plattsburgh, New York," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act amend an act entitled 'An act to consolidate and amend the several acts relating to the village of Watkins and to enlarge the powers of the corporation of said village,' passed April 3, 1861," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend and act entitled 'An act to amend the charter of the village of New Rochelle, in the county of Westchester,' passed April 20, 1864," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the village of Dunkirk to issue bonds for the purpose of supplying said village with water, and to create a board of water commissioners,' passed April 13, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. West, from the committee on trade and manufactures, to which was referred the bill entitled "An act to encourage the establishment of manufactories in the city of Poughkeepsie," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. West, from the committee on trade and manufactures, to which was referred the bill entitled "An act to authorize the construction of gas-works and the manufacture and sale of gas for the purpose of lighting the village of Port Jervis, Orange county, N. Y. and the streets, avenues and buildings, and to lay pipes for that purpose," reported in favor of



the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. West, from the committee on trade and manufactures, to which was referred the Senate bill entitled "An act to authorize the Dodge and Stevenson Manufacturing Company to issue preferred stock," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to make free to public use a certain bridge and road in the city of Brooklyn, in Kings county, and in Newtown, in Queens county, and provide compensation therefor," reported adversely thereto, which report was agreed to.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to repeal chapter 670 of the Laws of 1871, entitled 'An act to authorize the making and opening of a road or avenue from the intersection of the highway running east of Rockland lake with the highway running from the lake to Rockland Lake Landing, in the county of Rockland, to intersect the highway running from upper Piermont to Orangeburgh,' passed April 21, 1871," reported adversely thereto, which report was agreed to.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act in relation to trustees and directors of charitable and benevolent institutions," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to secure religious ministration to convicts in the State prisons and penitentiaries of this State," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the Holy Sepulchre Cemetery, in the city of Rochester," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the St. Patrick's Temperance and Benevolent Society, of Kingsbridgeville, in the county of Westchester," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act for the removal of a certain burial-ground connected with the Second Reformed Church of Bethlehem Cemetery, in Albany county," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the Clarkson Cemetery," reported against the passage of the same, for the reason that the object sought can be obtained under existing general law; which report was agreed to.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend chapter 853 of



the Laws of 1867, entitled 'An act to incorporate St. Agnes Cemetery,' passed May 9, 1867," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend chapter 348 of the Laws of 1867, being an act to amend an act entitled 'An act to incorporate the Young Men's Christian Association of the city of Poughkeepsie,' passed April 12, 1867," reported in favor of the passage of the same, with the title amended; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the Senate bill entitled "An act to amend chapter 515 of the Laws of 1869, entitled 'An act for the incorporation of the Grand Lodge of the Independent Order of Good Templars of the State of New York,' passed May 3, 1869," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Yeomans, from the committee on agriculture, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the New York Botanical Club,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Yeomans, from the committee on agriculture, to which was referred the bill entitled "An act to amend 'An act to incorporate the superintendents of the fair grounds of the town of Oswegatchie,' passed April 15, 1871," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Yeomans, from the committee on agriculture, to which was referred the bill entitled "An act to incorporate the Hudson River Agricultural, Horticultural and Mechanical Fair Association," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Smiley, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the Canal Appraisers, reported in favor of the adoption of the following resolution:

*Resolved*, That 250 copies of the report of the Canal Appraisers, made under a resolution of the Assembly, of January 11th, 1872, be printed, with paper covers, for the use of the Canal Appraisers, and 500 copies for the use of the Legislature.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to prevent frauds in the sale of patent rights," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to legalize the acts of Sherman B. Devoll as notary public of Madison county," reported in favor of the passage of the same with amendments; which report was agreed to and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to amend the Revised Statutes in respect to administrators with the will annexed," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to prevent and punish certain fraudulent practices," reported in favor of the passage of the same with amendments; which report was agreed to and said bill committed to the committee of the whole.

Mr. Judd, from the committee on commerce and navigation, to which was referred the bill entitled "An act to amend an act in relation to the rates of wharfage, and to regulate piers, wharfs, bulkheads and slips, in the cities of New York and Brooklyn, passed May 6, 1870," reported in favor of the passage of the same with an amendment; which report was agreed to and said bill committed to the committee of the whole.

Mr. D. B. Hill introduced a bill entitled "An act in reference to new trials in criminal cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Kingsland introduced a bill entitled "An act requiring the agents and wardens of the State prisons of this State to keep a detailed account of the purchases and sales made by them as such agents and wardens," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

Mr. Alberger introduced a bill entitled "An act making an appropriation of money to assist the Indians on the Cattaraugus reservation to erect a temperance hall," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Mr. Pierce introduced a bill entitled "An act to repeal so much of chapter 868, Laws of 1867, as relate to non-resident lands in Franklin county, and the payment of the taxes assessed and collected from the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Enos introduced a bill entitled "An act to authorize the trustees of the Black River Annual Conference to pay and transfer to the trustees of the Central New York Conference certain funds and property," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Bennett introduced a bill entitled "An act for the improvement of Flushing avenue, in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act in relation to divorce," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to grant additional privileges to the Broadway Railroad Company, and the Brooklyn City Railroad Company, of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.



Also, a bill entitled "An act for the improvement of First street and Kent avenue, in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Morton introduced a bill entitled "An act to provide for the calling and holding of a convention to revise the charter and laws relating to the city of Brooklyn and the county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Roche introduced a bill entitled "An act in relation to the city court of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Moseley introduced a bill entitled "An act to incorporate the Bay Ridge Contracting Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to authorize the making of an extension or branch of the Gowanus canal, in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Also, a bill entitled "An act to incorporate the Brooklyn City Safe Deposit Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Mr. Kennedy introduced a bill entitled "An act to provide for the dissolution of religious societies and corporations, and for the sale and disposition of the proceeds of the property of such societies and corporations," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. G. D. Lord introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the Industrial School of Rochester,' passed April 15, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

Mr. Foley introduced a bill entitled "An act to amend an act entitled 'An act to amend and reduce to one act the several acts relating to buildings in the city of New York,' passed May 4th, 1866, May 17, 1867, and May 6, 1868, passed April 20, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Mackay introduced a bill entitled "An act to amend the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to prevent fraud in the sale of coal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trade and manufactures.

Mr. Blair introduced a bill entitled "An act in relation to marshals in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.



Mr. Flammer introduced a bill entitled "An act to incorporate the Veterans of the Ninth regiment, first division, National Guard, State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the militia.

Mr. Campbell introduced a bill entitled "An act to authorize the mayor, aldermen and commonalty of the city of New York to supply the citizens with gas," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Alvord introduced a bill entitled "An act for the relief of James H. King and Amos B. King," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

Also, a bill entitled "An act to improve the navigation of the Baldwinsville canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Also, a bill entitled "An act in relation to railroads doing business in this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Burns introduced a bill entitled "An act to amend part 1, chapter 11, title 3, section 20 of the Revised Statutes, in relation to constables," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Lincoln introduced a bill entitled "An act to amend an act relating to the preservation of moose, wild deer, birds and fish, passed April 26, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Abbott introduced a bill entitled "An act repealing the act entitled 'An act to incorporate the Port Jervis Driving Park Association,' passed March 22, 1871, and to reorganize such association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

Mr. Prince introduced a bill entitled "An act in relation to the Sea Cliff Ground and Metropolitan Camp Ground Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Herrick introduced a bill entitled "An act authorizing the construction of a bridge across the Hudson river at the city of Albany, and incorporating the Albany and Greenbush Bridge Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Snyder introduced a bill entitled "An act to incorporate the Troy, Lansingburgh and Cohoes Bridge Company, for the purpose of constructing and maintaining a bridge, appurtenances and approaches to the same, over the Hudson river, from some point on the Van Schaick Island, in the city of Cohoes, to some point in the village of Lansingburgh, south of Bolton's brewery, on said river," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Judd introduced a bill entitled "An act to incorporate the village of Clifton," which was read the first time, and by unanimous consent was

also read the second time, and referred to the committee on the affairs of villages.

Also, a bill entitled "An act to amend an act entitled 'An act to amend, consolidate and reenact an act entitled 'An act to incorporate the village of Edgewater, passed March 22, 1866, and an act amending the same,' passed April 22, 1867, and to extend the powers of the corporation,' passed May 5, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Also, a bill entitled "An act to amend an act entitled 'An act to amend title 16, chapter 8, part 3 of the Revised Statutes, relative to the proceedings for the draining of swamps, marshes and other low or wet lands, and for the draining of farm lands,' passed May 12, 1869, and to authorize commissioners appointed under said act to borrow money for the purposes thereof, and to provide for the payment of the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act to authorize the construction of a bridge over Tunison's creek, in Richmond county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Houghton introduced a bill entitled 'An act to amend the act entitled 'An act to provide for laying out and improving roads and avenues in the village and town of Saratoga Springs,' passed May 5, 1870," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the affairs of villages.

Mr. West introduced a bill entitled "An act to amend an act entitled 'An act to amend an act to incorporate the village of Mechanicsville, in the county of Saratoga,' passed April 28, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Also, a bill entitled "An act to amend the act passed May 9, 1870, entitled 'An act to amend and extend the act entitled An act to authorize the building of a toll bridge over the Hudson river,' passed April 2, 1825, and the acts amendatory thereof, passed May 2, 1829, and January 18, 1832," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Also, a bill entitled "An act to incorporate the Mechanicsville Bridge Company for the purpose of constructing and maintaining a bridge over the Hudson river, between the village of Mechanicsville and the town of Schaghticoke," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Buckley introduced a bill entitled "An act to authorize the Bleecker Street and Fulton Ferry Railroad Company, of the city of New York, to extend their railroad tracks through certain streets and avenues in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Knettlis introduced a bill entitled "An act to appropriate money for the building of a bridge over the Cayuga Inlet, in the village of Ithaca," which was read the first time, and by unanimous consent was



also read the second time, and referred to the committee on ways and means.

Mr. Loughran introduced a bill entitled "An act for the protection of the legal owners of lost or stolen bonds and other sealed obligations for the payment of money," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to authorize the Rondout and Kingston Gas Light Company to issue bonds for certain purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trades and manufactures.

Also, a bill entitled "An act to authorize the directors of the village of Kingston, in Ulster county, to issue bonds to pay the outstanding indebtedness of said village," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Also, a bill entitled "An act to incorporate the Congregational Church Shed Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Husted introduced a bill entitled "An act relative to the Hudson Suspension Bridge and New England Railway Company, and authorizing the extension of the road," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act to legalize the election of trustees of Sleepy Hollow Cemetery, at Tarrytown, and to confirm their official acts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Also, a bill entitled "An act to incorporate the New York Loan and Real Estate Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Mr. Niles introduced a bill entitled "An act relating to and extending the jurisdiction of the court of common pleas for the city and county of New York, the superior court of the city of New York, the superior court of Buffalo and the city court of Brooklyn, and providing for the removals, in certain cases, of causes and proceedings from said courts to the supreme court, and from the supreme court to said courts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend section 179 of the Code of Procedure, by restricting the issuance of orders of arrests in certain cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend section 46, article 3, title 1, chapter 8 of the 2d part of the Revised Statutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Davidson introduced a bill entitled "An act to amend an act entitled 'An act to consolidate and amend the several acts relating to the village of Warsaw, and to enlarge the powers of the corporation of said village,' passed March 17, 1860," which was read the first time, and by



unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Also, a bill entitled "An act to amend an act entitled 'An act to amend the charter of the village of Warsaw, and to authorize said village to raise money to procure water, and to protect said village and the property therein against loss by fire,' passed February 18, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Pierce introduced a bill entitled "An act to amend chapter 453 of the Laws of 1869, entitled 'An act to incorporate the village of Chateaugay, in the county of Franklin,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. E. E. Brown introduced a bill entitled "An act to authorize the construction of a street railroad from the city of Auburn to Willow Brook, in the town of Owasco," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Alberger offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the committee of commerce and navigation, who are directed to investigate the affairs of the quarantine commission, the commission to construct quarantine buildings, the commission of emigration, and the health department of the city of New York, be and they are hereby authorized to employ counsel and a stenographer.

On motion of Mr. Alberger, said resolution was referred to the committee on the judiciary.

Mr. Alberger offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the action of the committee on commerce and navigation, in employing a stenographer to take testimony in the case of the Pacific Mail Steamship Company, be and is hereby approved.

On motion of Mr. Alberger, said resolution was referred to the committee on the judiciary.

On motion of Mr. Herrick, and by unanimous consent,

*Resolved*, That the committee on internal affairs be discharged from the further consideration of the petitions in favor of bonding the town of Greenbush, and the remonstrance against the same, and that said petition and remonstrance be referred to the committee on the affairs of villages.

On motion of Mr. Campbell, at 3 o'clock and 10 minutes, the House took a recess until 7½ o'clock.

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## HALF-PAST SEVEN O'CLOCK P. M.

The House again met.

Mr. Speaker announced the special order.

Whereupon the House resolved itself into a committee of the whole on the bill entitled as follows:

"An act to reorganize the local government of the city of New York."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Eastman, from said committee, reported progress on said bill, and asked and obtained leave to sit again.

Mr. Alvord moved that said bill be made a special order for to-morrow morning immediately after reading the journal.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Jacobs presented a minority report, in pursuance of leave of the House.

Mr. Prince moved that said report be laid upon the table and printed.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

(See Doc. No. 63.)

On motion of Mr. Alvord, at 9 o'clock and 20 minutes, the House adjourned.

## FRIDAY, FEBRUARY 16, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. W. J. Heath.

On motion of Mr. Prince, the reading of the journal of yesterday was dispensed with.

On motion of Mr. Strahan, and by unanimous consent, the Senate bill entitled "An act to amend an act entitled 'An act to amend and consolidate the charter of the village of Middletown,' passed March 31, 1866," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 77 }  
{ NOES 2 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Abbott        | Couchman    | Herrick    | Moseley | Squires         |
| Alvord        | Crandall    | Holdridge  | Murdock | Strahan         |
| D. L. Babcock | Davidson    | Houghton   | Niles   | Swain           |
| Badeau        | Dykeman     | Hungerford | Osgood  | M. M. Tompkins  |
| Baltz         | Eastman     | Hyatt      | Pell    | Tucker          |
| Beckwith      | Enos        | Jacobs     | Pierce  | Twombly         |
| Bemus         | Flammer     | Kennedy    | Preston | A. L. Van Dusen |
| Berri         | Foley       | Lincoln    | Prince  | W. J. Van Dusen |
| Blair         | Fowler      | Lippitt    | Ray     | Vedder          |
| E. E. Brown   | Gregory     | G. P. Lord | Roche   | Whitbeck        |
| I. D. Brown   | Haight      | Lott       | Rose    | Whitaker        |
| Buckley       | Hart        | Loughran   | Smiley  | Wiley           |
| Burns         | Haughton    | Lynde      | Smyth   | Woodward        |
| Burritt       | Hawkins     | Mackay     | Sniper  | Wyman           |
| Chambers      | A. L. Hayes | Moore      | Speaker | Yeomans         |
| Cook          | Healy       |            |         |                 |

Those who voted in the negative, were

Sage                      Springsted

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, with amendments.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act to incorporate the Moose River Improvement Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to amend the charter of the American Bible Society," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to amend chapter 576 of the Laws of 1870, entitled 'An act to provide for the introduction of the European system of steam towage upon the canals of this State,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to change the name of the Utica and Mohawk Street Railroad Company, to extend their track, and regulate the fare thereon," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

The Senate returned the bill entitled "An act in relation to superintendents of the poor," with a message that they had concurred in the passage of the same, with the following amendments:

Section 1, line 1, of engrossed bill, strike out the words "shall have" and insert the word "has."

Same section, line 4, strike out the words "shall have" and insert the word "has."

Same section, line 7, insert between the words "the" and "clerk" the word "county."

Same section, line 8, strike out the words "of his respective county."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

|             |          |            |            |                 |
|-------------|----------|------------|------------|-----------------|
| Abbott      | Couchman | Healy      | Lynde      | Squires         |
| Alberger    | Crandall | Herrick    | Mackay     | Strahan         |
| Alvord      | Davidson | Holdridge  | Morton     | Swain           |
| Badeau      | Dykeman  | Houghton   | Murdock    | Tucker          |
| Baltz       | Eastman  | Hungerford | Osgood     | Twombly         |
| Beckwith    | Enos     | Hyatt      | Pell       | A. L. Van Dusen |
| Bemus       | Fields   | Jacobs     | Preston    | W. J. Van Dusen |
| Bennett     | Flammer  | Judd       | Ray        | Vedder          |
| Berri       | Foley    | Kennedy    | Roche      | West            |
| Blair       | Fowler   | Kingsland  | Rose       | Whitbeck        |
| E. E. Brown | Goring   | Knapp      | Sage       | Whitaker        |
| I. D. Brown | Goss     | Lincoln    | Smith      | Wiley           |
| Buckley     | Green    | Lippitt    | Smyth      | Woodward        |
| Burns       | Gregory  | G. P. Lord | Sniper     | Woolsey         |
| Burrill     | Haight   | Lott       | Speaker    | Wyman           |
| Chambers    | Hart     | Loughran   | Springsted | Yeomans         |
| Cook        | Hawkins  |            |            |                 |



*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to authorize the election of an additional justice of the peace in the town of Manlius, in the county of Onondaga," with a message that they had reconsidered their vote on the final passage of said bill, and as amended, again passed the same.

*Ordered*, That the Clerk return said bill to the Senate.

The Senate returned the bill entitled "An act to amend chapter 539 of the Laws of 1870, entitled 'An act in relation to jurors in the city and county of New York,'" with a message that they agree to the report of the committee of conference on said bill.

*Ordered*, That the Clerk return said bill to the Senate.

The Senate returned the Senate bill entitled "An act to amend an act entitled 'An act to amend and consolidate the charter of the village of Middletown,' passed March 31, 1866."

*Ordered*, That the Clerk return said bill to the Senate.

The Senate returned the bill entitled "An act to amend an act entitled 'An act to authorize the trustees of the village of Ellenville, to borrow money for the purpose of introducing water into the village, and to control and regulate the use of the same,' passed April 5, 1866, and supplemental thereto," with a message that they had receded from their amendments to the said bill.

*Ordered*, That the Clerk return said bill to the Senate.

The Senate returned the bills entitled as follows :

"An act to extend to the towns of Skaneateles and Spafford of the county of Onondaga, the provisions of the act entitled 'An act to amend an act entitled An act to authorize the formation of railroad corporations, and to regulate the same, passed April 2, 1850, so as to permit municipal corporations to aid in the constructing of railroads, passed May the 15th, 1869,' and of acts amendatory thereof."

"An act for the extension of the Utica, Chenango and Cortland railroad."

"An act to change the name of the First Congregational Church and Society of Poughkeepsie, New York."

"An act in relation to superintendents of the poor."

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Speaker presented the thirty-sixth annual report of the New York Institution for the Blind; which was laid on the table and ordered printed.

(See Doc. No. 68.)

Mr. Speaker announced the special order, being the bill entitled "An act to reorganize the local government of the city of New York."

Whereupon the House resolved itself into a committee of the whole on the said entitled bill.

And after some time spent therein Mr. Speaker resumed the chair, and Mr. Eastman, from said committee, reported progress on said bill, and asked leave to sit again.

The question being upon granting leave,

Mr. Fort moved to discharge the committee of the whole from the further consideration of said bill, and that the same be ordered to a third reading.

Debate was had thereon, when

Mr. Fort moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion, and it was determined in the affirmative.

{ AYES 57 }  
{ NOES 53 }

Those who voted in the affirmative, were

|             |            |            |         |                 |
|-------------|------------|------------|---------|-----------------|
| Alberger    | Flammer    | Kennedy    | Murdock | Shepardson      |
| Badeau      | Fort       | Kingsland  | Niles   | Simson          |
| Baltz       | Geib       | Knapp      | Oakley  | Smiley          |
| Beckwith    | Goss       | Lincoln    | Osgood  | Smyth           |
| Berri       | Green      | Lippitt    | Paige   | Speaker         |
| E. E. Brown | Gregory    | G. P. Lord | Pell    | Springsted      |
| I. D. Brown | Haight     | Lott       | Pierce  | Squires         |
| Burritt     | Hawkins    | Lynde      | Preston | Strahan         |
| Crandall    | D. B. Hill | Mackay     | Prince  | Swain           |
| Davidson    | Hyatt      | Morton     | Rice    | A. L. Van Dusen |
| Eastman     | Jacobs     | Moulton    | Rose    | Woodward        |
| Enos        | Judd       |            |         |                 |

Those who voted in the negative, were

|             |          |             |          |                 |
|-------------|----------|-------------|----------|-----------------|
| Abbott      | Chambers | A. L. Hayes | Loughran | Tilden          |
| Alvord      | Cook     | J. Hayes    | Moore    | Tucker          |
| Bemus       | Couchman | Healy       | Moseley  | Twombly         |
| Bennett     | Dunphy   | Herrick     | Mosher   | W. J. Van Dusen |
| Blair       | Fields   | A. Hill     | Ray      | Vedder          |
| Buckley     | Foley    | Holdridge   | Roche    | West            |
| Buell       | Fowler   | Hollister   | Sage     | Whitbeck        |
| Burns       | Frear    | Houghton    | Smith    | Whitaker        |
| Campbell    | Goring   | Hungerford  | Sniper   | Wiley           |
| Carroll     | Hart     | Husted      | Snyder   | Woolsey         |
| Chamberlain | Haughton | G. D. Lord  |          |                 |

Indefinite leave of absence was granted to Messrs. Bell and D. Tomkins, on account of sickness.

On motion of Mr. Alvord, at 2 o'clock and 10 minutes, the House adjourned.

SATURDAY, FEBRUARY 17, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. W. J. Heath.

The journal of yesterday was read and approved.

Mr. A. L. Van Dusen, from the committee on engrossed bills, reported as correctly re-engrossed the bills entitled as follows:

"An act in relation to superintendents of the poor."

"An act to amend an act entitled 'An act to authorize the trustees of the village of Ellenville to borrow money for the purpose of introducing water into the village, and to control and regulate the use of the same,' passed April 5, 1866, and supplemental thereto."

"An act to authorize the election of an additional justice of the peace in the town of Manlius, in the county of Onondaga."

"An act to amend chapter 539 of the Laws of 1870, entitled 'An act in relation to jurors in the city and county of New York.'"

Mr. Fort moved that the orders of business be suspended with the exception of "reports of standing committees, introduction of bills, general orders," and "motions and resolutions."

Mr. D. B. Hill moved to amend by striking out the words "motions and resolutions."

Mr. Speaker put the question whether the House would agree to said motion of Mr. D. B. Hill, and it was determined in the affirmative.

Mr. Speaker put the question whether the House would agree to said motion as amended, and it was determined in the affirmative.

The Senate sent a concurrent resolution in the words following:

*Resolved* (if the Assembly concur), That a respectful message be sent to His Excellency the Governor, asking for the return of Senate bill No. 43, amending the charter of Greenport, Suffolk county.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing that the Assembly have passed the same.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act to authorize corporations to hold and convey real estate, for business purposes, in other States, with the consent thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trade and manufactures.

"An act to amend an act entitled 'An act to incorporate the village of Goshen, passed April 18, 1843,' and passed March 26, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend an act passed May 10, 1870, entitled 'An act to amend an act entitled An act to provide for the incorporation of villages, passed December 7, 1847, and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to repeal chapter 321 of the Laws of 1870, entitled 'An act to provide for the appraisal of canal claims against the State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Husted moved that the Assembly Document No. 63, be reprinted in a correct form and that the one now on file be taken therefrom.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

On motion of Mr. Osgood, and by unanimous consent,

*Resolved*, That Assembly bill No. 141, general order No. 161, entitled "An act to amend an act passed May 3, 1870, entitled 'An act to amend an act to incorporate the city of Troy,' passed April 12, 1816, and the several acts amendatory thereof; and also to amend other acts relating to the city of Troy," be recommitted to the committee on the affairs of cities, for amendment, with power to report at any time, to retain its place on general orders when again reported.



On motion of Mr. Foley, and by unanimous consent,

*Resolved*, That Assembly bill No. 118, as amended, be printed, and that the Clerk of this House transmit to each member of the Legislature, at his post-office address, a copy thereof, as soon as practicable.

On motion of Mr. Lippitt, and by unanimous consent,

*Resolved*, That the Superintendent of the Insurance Department be, and he is, hereby requested, within ten days, to transmit to this House the testimony (or a copy thereof) taken and proceedings had before him on the investigation made by him into the affairs of the Mutual Life Insurance Company of the city of New York. And, also, to inform this House if the same is filed in his office, and if so, when the same was filed.

On motion of Mr. Prince, and by unanimous consent,

*Resolved*, That the bills to incorporate savings banks, which have been reported adversely by the committee on banks, and laid on the table, be recommitted to that committee with instructions to investigate the case presented by each of such bills separately, especially with reference to the necessities of the localities of the proposed savings banks, and the character of the proposed incorporators, and report in each case in accordance with the facts.

By unanimous consent Mr. Herrick offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the Clerk of the Assembly be directed to purchase two copies of the Holy Bible, to be deposited in the Assembly Library.

*Ordered*, That said resolution be referred to the committee on the expenditures of the House.

By unanimous consent, Mr. Judd offered for the consideration of the House a resolution, in the words following, to wit:

*Whereas*, Petitions have been received here asking an investigation of the Seamen's Retreat, on Staten Island; therefore,

*Resolved*, That the committee on commerce and navigation be, and are, hereby authorized and directed to make such investigation, during the recess now ordered, with power to send for persons and papers.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

The Senate returned the bills entitled as follows:

"An act to amend an act entitled 'An act to authorize the trustees of the village of Ellenville to borrow money for the purpose of introducing water into the village, and to control and regulate the use of the same,' passed April 5, 1866, and supplemental thereto."

"An act to authorize the village of Flushing, Queens county, to borrow money and issue bonds therefor, for the purpose of paying the floating indebtedness of said village, and for the general improvement thereof."

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Fort, from the committee on canals, to which was referred the petition of citizens of Minden, Montgomery county, praying for the building of a fence along the Rocky Rift feeder of the Erie canal, in the said town of Minden, reported adversely thereto, for the reason that the damages have already been paid by the State; which report was agreed to.

Mr. Campbell, from the committee on commerce and navigation to which was referred the bill entitled "An act establishing a ferry from Barber's Point, in the town of Westport, in the county of Essex, across

Lake Champlain, and to repeal chapter 495 of the Laws of 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Alberger, from the committee on commerce and navigation, offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the substitute for a bill entitled "An act to create a commercial district for the port of New York, and a board of commerce therein," now in said committee, be printed and placed on the files of the House.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Green, from the committee on commerce and navigation, to which was referred the bill entitled "An act to authorize the making of an extension or branch of the Gowanus canal, in the city of Brooklyn," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Whitbeck, from the committee on railroads, to which was referred the bill entitled "An act exempting the town of Rochester, in the county of Ulster, from bonding for railroad purposes," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Whitbeck, from the committee on railroads, to which was referred the bill entitled "An act to authorize the Brooklyn City Railroad Company to extend their road along Putnam and Nostrand avenues and Halsey street to Broadway, in the city of Brooklyn," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Whitbeck, from the committee on railroads, to which was referred the bill entitled "An act to authorize the town of Galen, Wayne county, to raise money by a tax upon the taxable property of said town to litigate the bonding of said town to aid in the construction of the Pennsylvania and Sodus Bay railroad," reported adversely thereto.

On motion of Mr. Preston, said report was laid on the table.

Mr. Snyder, from the committee on commerce and navigation, to which was referred the bill entitled "An act authorizing the construction of a bridge across the Hudson river at the city of Albany, and incorporating the Albany and Greenbush Bridge Company," reported the same for the consideration of the House; which report was agreed to, and said bill committed to the committee of the whole.

Mr. D. L. Babcock, from the committee on commerce and navigation, to which was referred the bill entitled "An act to incorporate the Troy, Lansingburgh and Cohoes Bridge Company, for the purpose of constructing and maintaining a bridge, appurtenances and approaches to the same, over the Hudson river, from some point on Van Schaick's Island, in the city of Cohoes, to some point in the village of Lansingburgh, south of Bolton's brewery, on said river," reported the same for the consideration of the House; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on banks, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Rochester Savings Bank,' passed April 21, 1831," reported in favor of the passage of the same with amendments, and have amended the title so as to read "An act to incorporate the Rochester Savings Bank Trust



Company," which report was agreed to, and said bill committed to the committee of the whole.

Mr. Shepardson, from the committee on civil divisions, to which was referred the bill entitled "An act for the division of the town of Huntington, in the county of Suffolk, and the erection of a new town from the southern part of said town, and for the apportionment of the town property and town debts," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Herrick, from the committee on internal affairs to which was referred the bill entitled "An act to repeal an act entitled 'An act regulating the sale of intoxicating liquors,' passed April 11, 1870, and all acts amendatory thereof," reported the same for the consideration of the House, with amendments, and title amended so as to read "An act to suppress intemperance, and to regulate the sale of intoxicating liquors," which report was agreed to, and said bill committed to the committee of the whole.

Mr. Herrick, from the committee on internal affairs, to which was referred the bill entitled "An act to incorporate the Moose River Improvement Company," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Herrick, from the committee on internal affairs, to which was referred the bill entitled "An act to authorize the board of town officers of the town of West Farms in the county of Westchester, to issue certificates of indebtedness," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Fowler, from the committee on internal affairs, to which was referred the bill entitled "An act to amend an act entitled 'An act in relation to the receiver of taxes for the town of Morrisania,' passed April 28, 1870," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Fowler, from the committee on internal affairs, to which was referred the bill entitled "An act to amend an act entitled 'An act to create a board of trustees for the town of Morrisania, in the county of Westchester, and to define their powers,' passed April 22, 1864, and the acts amending the same," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Fowler, from the committee on internal affairs, to which was referred the bill entitled "An act to authorize the drainage and improvement of a part of the valley of the Sawmill river, in the town of Yonkers, and the laying out of streets and roads in the same," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. I. D. Brown, from the committee on public health, offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That during the legislative recess the Speaker and Clerk of the House, be requested to take charge of the subject of ventilation of the Assembly Chamber, and that they provide for putting gas jets in the chimneys above the fire-places, and also for other gas jets in the chamber connecting with flues opening on the outside.



Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to incorporate the Exempt Firemen's Association of the western district of the city of Brooklyn," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to the Wallabout improvement in the city of Brooklyn," reported in favor of the passage of the same with an amendment; which report was agreed to and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend chapter 77, of Laws of 1870, and chapter 536 of the Laws of 1871, passed respectively March 16, 1870, and April 15, 1871, entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany,' passed April 12, 1842, and the several acts amendatory thereof, in so far as they relate to the city of Albany," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Osgood, from the committee on the affairs of cities, to which was recommitted the bill entitled "An act to amend an act passed May 3, 1870, entitled 'An act to amend an act to incorporate the city of Troy, passed April 12, 1816,' and the several acts amendatory thereof; and also to amend other acts relating to the city of Troy," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill again placed on the calendar of general orders, pursuant to previous order of the House.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act for the further extension of Prospect Park in the city of Brooklyn,' passed April 24, 1868, reported in favor of the passage of the same, with an amendment; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend the charter of the city of Brooklyn," reported adversely thereto, which report was agreed to.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to extend and improve Fourth street, in the city of Brooklyn,' passed May 10, 1871, and to confirm certain proceeding had thereunder," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the Senate bill entitled "An act authorizing the appointment of attendants and messengers of the supreme court, in the county of Kings," reported in favor of the passage of the same, with amendments; which report was agreed to and said bill committed to the committee of the whole.

Mr. Husted moved to reconsider the vote by which the resolution reported by the committee on public health was adopted.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Husted then moved to amend said resolution by inserting after the words "Assembly Chamber, and that," the words "if they deem it expedient."

Mr. Speaker put the question whether the House would agree to said motion to amend, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said resolution, as amended, and it was determined in the affirmative.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the clerk of Cortland county to change the indexing of lands conveyed upon mortgage foreclosure sales from mortgage index book to deed index book," reported adversely thereto, which report was agreed to.

Mr. Prince, from the committee on the judiciary, to which was referred the resolution of Mr. Alberger, as follows: "*Resolved*, That the action of the committee on commerce and navigation, in employing a stenographer to take testimony in the case of the Pacific Mail Steamship Company, be and is hereby approved," reported in favor of the passage of the same, on the ground that such investigation was ordered before the passage of the existing law as to employes of the House.

On motion of Mr. Husted, said report was referred to the committee on ways and means.

Mr. Prince, from the committee on the judiciary, to which was referred the resolution of Mr. Alberger, as follows: "*Resolved*, That the committee on commerce and navigation, who are directed to investigate the affairs of the quarantine commission, the commission to construct quarantine buildings, the commission of emigration, and the health department of the city of New York, be and they are hereby authorized to employ counsel and a stenographer," reported in favor of the passage of the following as a substitute therefor:

*Whereas*, The committee on commerce and navigation are directed to investigate the affairs of the quarantine buildings, the commissioners of emigration, and the health department of the city of New York, and the quarantine commissions;

*And whereas*, It becomes necessary, in the opinion of said committee, to employ a clerk for a sub-committee, and counsel for the aid of the committee generally; therefore, be it

*Resolved*, That the said committee be and they are hereby authorized to employ ——— Johnson as counsel, at a rate not to exceed twenty-five dollars per day, and not to exceed ten days' service; also to employ Timothy Dyson as clerk to a sub-committee, at the rate of six dollars per day, and not to exceed ten days' service; and further, that the clerk and messenger of such committee are authorized to accompany said committee.

On motion of Mr. Alvord, said report was laid on the table.

Mr. Vedder, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend article second, title fifth, chapter sixth, part third, of the Revised Statutes, entitled 'of executions against property,' passed May 2, 1835," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Shepardson introduced a bill entitled "An act to legalize and confirm the official acts of Gaylord S. Graves, a justice of the peace of the town of Bainbridge, in the county of Chenango," which was read the



first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act making an appropriation for Abram S. Aldrich," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Mr. Goring introduced a bill entitled "An act to enable the electors of the towns in the several counties of this State to vote by district for town officers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Berri introduced a bill entitled "An act to amend an act for the better security of mechanics, laborers and others, who perform labor or furnish materials for buildings and other improvements on land in the counties of Kings and Queens, passed April 24, 1862," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to create a department of city works in the city of Brooklyn, and to abolish the permanent board of water and sewerage commissioners in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to incorporate the Mechanics' and Traders' Exchange, of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trades and manufactures.

Also, a bill entitled "An act relating to justices of the peace in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Bennett introduced a bill entitled "An act to authorize The People's Ferry Company" to establish and operate a ferry or ferries, and in aid thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Lippitt introduced a bill entitled "An act to incorporate the trustees of the House for the Destitute Children of Madison county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Whitbeck introduced a bill entitled "An act to provide for a pure quality and a just measure of gas in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Pell introduced a bill entitled "An act to create a board of commissioners of city railways, and to provide means for rapid transit in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Flammer introduced a bill entitled "An act to amend an act entitled 'An act requiring mortgages of personal property to be filed in the town clerk's office,' passed April 29, 1833," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.



Mr. Twombly introduced a bill entitled "An act to establish a Metropolitan police district, and to provide for the government thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to incorporate the New York Loan and Security Bank," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on banks.

Mr. Haight introduced a bill entitled "An act to amend and reduce to one act the several acts relating to buildings in the city of New York," passed May 4, 1867, May 5, 1868, and April 20, 1871," which was read the first time, and by unanimous consent, was also read the second time, and referred to the committee on the affairs of cities.

Mr. Geib introduced a bill entitled "An act to facilitate the closing of business by life insurance companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

Mr. Hawkins introduced a bill entitled "An act for the relief of Alexander Taylor and Halsey W. Knapp, executors of George W. Miller, deceased," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Swain introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the Lewiston Suspension Bridge Company,' passed March 26, 1849," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Burns introduced a bill entitled "An act for the appropriation of \$1,500 to repair a road across the Onondaga Indian reservation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Mr. Strahan introduced a bill entitled "An act entitled 'An act to amend an act entitled 'An act to incorporate the city of Newburgh,' passed April 22, 1865, and of the several acts amendatory thereof,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Fort introduced a bill entitled "An act to authorize the inhabitants of the town of Oswego to raise money to build a soldiers' monument," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Herrick introduced a bill entitled "An act authorizing the construction of a carriage-way on and over the bridge crossing the Hudson river at Albany, owned by the Hudson River Bridge Company at Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Also, a bill entitled "An act making election days legal holidays," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Houghton introduced a bill entitled "An act to amend an act entitled 'An act to amend the charter of the village of Saratoga Springs, and the several acts amendatory thereof,' passed March 26, 1862, and for non-resident leases," which was read the first time, and by unanimous

consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Fowler introduced a bill entitled "An act authorizing John Rosekrans of Wayland, in the county of Steuben, to remove the remains of certain persons buried on his premises to the Wayland Cemetery, in said town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Niles introduced a bill entitled "An act to repeal an act entitled 'An act to regulate, grade and macadamize the highway known as the Westchester turnpike and post road, commencing at a point in said road on the line dividing the towns of West Farms and Morrisania,' passed May 2, 1868;" and also an act entitled "An act supplementary to an act entitled 'An act to regulate, grade and macadamize the highway known as the Westchester turnpike and post road, commencing at a point in said road in the line dividing the towns of West Farms and Morrisania,' passed May 2, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Alberger introduced a bill entitled "An act to amend an act entitled 'An act giving permission to the United States to remove a portion of the public work known as the "Erie Basin Breakwater," in or near Buffalo Harbor,' passed April 27, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Also, a bill entitled "An act to enlarge the locks now under contract on the western division of the Erie canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Speaker presented a communication from the surrogate of New York, in response to an inquiry of the Assembly; which was laid on the table and ordered printed.

(See Doc. No. 64.)

On motion of Mr. I. D. Brown, and by unanimous consent,

*Resolved*, That the postmaster of the Assembly be, and hereby is, required to keep the Assembly post-office open two hours each day during the legislative recess, and forward such mail matter to members, at their respective residences, as he may be requested to do.

Mr. Moulton introduced a bill entitled "An act to provide for the sale of certain public property in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

The Senate returned the bills entitled as follows:

"An act to authorize the election of an additional justice of the peace in the town of Manlius, in the county of Onondaga."

"An act to amend chapter 539, of the Laws of 1870, entitled 'An act in relation to jurors in the city and county of New York.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

By unanimous consent, Mr. A. Hill presented a remonstrance of Hon. Geo. Beach and fifteen other citizens of Greene county, against legislative interference with the management of the Erie Railway Company; which was read and referred to the committee on railroads.

By unanimous consent, Mr. West presented a remonstrance of citizens



of Mechanicsville, against repeal of act creating said village; which was read and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Berri presented a petition of the central council of vigilance of the county of Kings, for a law to secure an honest administration of public affairs of the city of Brooklyn and county of Kings; which was read and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Flammer presented a petition of property owners and others on Eleventh avenue, New York city, in relation to the use of said avenue by the Hudson River Railroad Company; which was read and referred to the committee on railroads.

The Senate returned the following entitled bill, with a message that they had passed the same without amendment:

"An act to amend the certificate of incorporation of charter of The Midnight Mission."

*Ordered*, That the Clerk deliver said bill to the Governor.

On motion of Mr. Alvord, at 12 o'clock and 25 minutes, the House adjourned.

## MONDAY, FEBRUARY 26, 1872—7.30 P. M.

The House met pursuant to adjournment.

Prayer by the Rev. John James.

The journal of Saturday, February 17, was read and approved.

The Speaker presented a communication from the comptroller of the city of New York, in response to a resolution of the Assembly adopted January 29, 1872; which was laid on the table, and ordered printed.

(See *Doc. No. 69.*)

Mr. Speaker presented the eighteenth annual report of the Superintendent of Public Instruction, and the documents accompanying the same; which was laid on the table, and ordered printed

(See *Doc. No. 52.*)

The Senate sent for concurrence a resolution, in the words following, to wit:

IN SENATE, *Feb. 17, 1872.*

*Resolved* (if the Assembly concur), That the Governor be requested to apply to the President of the United States to appoint three officers in the service of the United States, familiar with harbors, to examine into and revise the exterior pier and bulkhead lines of the harbor of New York on the Brooklyn side, and report such revised line to the Legislature.

*Ordered*, That said resolution be laid on the table.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act to authorize the trustees of the Black River Annual Conference to pay and transfer to the trustees of Central New York Conference certain funds and property," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Hornellsville,' passed April 9,



1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend an act entitled 'An act to incorporate the city of Cohoes,' passed May 19, 1869, and the act amendatory of the same, passed May 11, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Speaker announced the following committee:

*Committee on Local and Special Laws*—Messrs. Husted, Lincoln, Griffin, Foley and Blair.

On motion of Mr. I. D. Brown, and by unanimous consent,

*Resolved* (if the Senate concur), That a respectful message be sent to His Excellency the Governor, asking for the return of Assembly bill No. 75, entitled "An act to amend the several acts incorporating the village of Weedsport in the county of Cayuga, passed April 7th, 1857," for the purpose of amendment.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

Mr. I. H. Babcock presented a remonstrance of William S. Pike and fifty-one others, tax-payers of Newfane, Niagara county, against the passage of any act to legalize the bonding of said town for the construction of the Lake Ontario Shore railroad; which was read and referred to the committee on railroads.

Messrs. Crandall, Vedder, Burritt, Whitaker, I. H. Babcock, Loughran, Mackay and A. Hill presented several remonstrances of citizens from different parts of the State, against Legislative interference in the management of the Erie Railway Company; which were read and referred to the committee on railroads.

Mr. Healey presented a resolution in the nature of a memorial in regard to the street cleaning commission of the city of New York; which was read and referred to the committee on public health.

Mr. G. D. Lord presented several petitions of citizens of Rochester for the repeal of chapter 907 of the Laws of 1869, known as the "railroad bonding act," or to exempt said city of Rochester; which were read and referred to the committee on railroads.

Mr. Moulton presented petitions of Nicholas McCool, James Saxton, C. S. Cormick and many others, residents and property owners, in relation to railroad abuses on Fourth avenue, in New York city, praying for relief; which were read and referred to the committee on railroads.

Mr. Fort presented two petitions of citizens of Oswego for the repeal of chapter 916 of the Laws of 1869, providing for classification of directors of railroad corporations, and for an act to provide for an election of directors of the Erie Railroad Company, etc.; which were read and referred to the committee on railroads.

Also, three remonstrances against the passage of Senate bill No. 20, entitled "An act to facilitate the construction of the Lake Ontario Shore railroad, and to amend the several acts in relation thereto," passed March 17, 1871; which were read and referred to the committee on railroads.

Mr. Sage presented the petition of sixty-five citizens and tax-payers of Sandy creek, Oswego county, for repeal of chapter 808 of the Laws of 1870, entitled "An act to maintain the bridges of Oneida, Oswego and Salmon rivers; which was read and referred to the committee on roads and bridges.

Mr. Woolsey presented a petition of citizens of New York, for the repeal of the classification act, and for a new election of directors of the Erie Railroad Company ; which was read and referred to the committee on railroads.

Mr. Sage presented a petition of forty citizens and tax-payers of Mexico, Oswego county, praying for legislation to regulate exemptions of members of the National Guard of this State ; which was read and referred to the committee on the militia.

Mr. Smiley presented a petition in favor of the appropriation of the non-resident highway tax for the improvement of the Carthage and Lake Champlain road ; which was read and referred to the committee on roads and bridges.

Mr. Haight presented two petitions to abolish the act to construct Union avenue, in the town of Mamaroneck ; which was read and referred to the committee on roads and bridges.

Mr. A. Hill presented a petition of George H. Chase and fifty-three others, relating to military exemptions ; which was read and referred to the committee on militia.

Messrs. Smiley, Tobey, Preston and Smith presented several petitions of citizens and schools in different parts of the State, asking for an increase of the Literature Fund ; which were read and referred to the committee on public education.

Mr. I. H. Babcock presented a remonstrance on behalf of the fire department of the city of Lockport, against the passage of any act exempting foreign insurance companies from payment of the per centage which they are now required to pay to firemen's associations in this State ; which was read and referred to the committee on insurance.

Also, petitions of Frank J. Libley, H. Ward Harrington and thirty-two others, electors of Gasport, Niagara county, for the construction of section of vertical wall in the Erie canal at that place ; which was read and referred to the committee on canals.

Mr. Morton presented a petition of the board of supervisors of Kings county, unanimously asking for reduced rates of ferriage between the eastern district of Brooklyn and the city of New York ; which was read and committed to the committee of the whole.

Mr. Wells presented the petition of John H. Camp and others for release of certain lands in the village of Lyons to Magdalena Stell and others ; which were read and referred to the committee on petitions of aliens.

Mr. I. D. Brown presented the petition of citizens of Montezuma and vicinity for an appropriation to further develop the resources of the salt springs at that place ; which was read and referred to the committee on ways and means.

Mr. Woolsey presented the petition of thirty-five citizens of Marlborough, in southern Ulster, for local prohibition ; which was read and referred to the committee on internal affairs.

Mr. A. Hill presented the petition of Patrick J. Roche, an alien, for release of lands ; which was read and referred to the committee on petitions of aliens.

Mr. Burns presented a petition of the citizens of Elbridge, relating to the plank-road between the village of Elbridge and Skaneateles Junction ; which was read and referred to the committee on ways and means.

Mr. Foley presented a petition of Richard V. Hartnett, of New York, and others, for the exemption of bonds and mortgages from taxation ; which was read and referred to the committee on ways and means.



Mr. Burritt presented a petition of Samuel Holman and forty-three others, citizens of Monroe county, for a law allowing a majority of the legal voters of any town, county, city or ward, to prohibit the sale of any intoxicating liquors; which was read and referred to the committee on internal affairs.

The order of business, "third reading of bills," being announced,

On motion of Mr. Fields said order of business was laid on the table.

Mr. Husted introduced a bill entitled "An act to repeal chapter 916, of the Laws of 1869, entitled 'An act to amend chapter 278, of the Laws of 1868, entitled An act in relation to the Erie, New York Central, Hudson River and Harlem Railway Companies,' passed May 20, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act to authorize the construction of a bridge over Sing Sing kill, in the village of Sing Sing," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Cook introduced a bill entitled "An act regulating the sale of leaf tobacco in the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trade and manufactures.

Mr. G. D. Lord introduced a bill entitled "An act to amend an act entitled 'An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York and for the public defense, and entitled the Military Code,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the militia.

Mr. Foley introduced a bill entitled "An act to incorporate the Fresco Painters Benevolent and Protective Union, of the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Haight introduced a bill entitled "An act in relation to a part of Mamaroneck avenue, in the town of Mamaroneck, in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Also, a bill entitled "An act in relation to Union avenue, in the towns of Mamaroneck and Rye, in the county of Westchester; which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Smiley introduced a bill entitled "An act in relation to the East and West Martinsburgh burial-grounds," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Springsted introduced a bill entitled "An act to authorize the commissioners of highways of the towns of Guilderland and New Scotland, in the county of Albany, to lay out and open a certain highway extending in said towns of the width of two rods," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Badeau introduced a bill entitled "An act to compel the commissioners appointed to build a town hall, in the town of New Rochelle, under



chapter 88, of the Laws of 1868, and all acts amendatory thereof, to account," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act to repeal an act to grade and macadamize the Westchester turnpike and post-road, appointing commissioners by chapter 549, of the Laws of 1868, and the acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Jacobs introduced a bill entitled "An act to authorize the appointment of commissioners to fix a grade and improve sidewalks and streets in the town of New Lots, Kings county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Moseley introduced a bill entitled "An act for the relief of William J. Osborne," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on petitions of aliens.

Mr. Fort introduced a bill entitled "An act to extend the time for the collection of taxes in the city of Oswego," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Fort, and by unanimous consent, said bill was ordered to a third reading.

On motion of Mr. Fort, and by unanimous consent, said bill was made a special order for to-morrow at 12 o'clock.

Also, a bill entitled "An act to authorize the inhabitants of the town of Oswego to raise money to build a soldiers' monument," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Fort, and by unanimous consent, said bill was ordered to a third reading.

On motion of Mr. Fort, and by unanimous consent, said bill was made a special order for to-morrow at 12 o'clock.

Mr. I. D. Brown introduced a bill entitled "An act to prohibit appropriations of public money or property in aid of sectarian institutions," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Mr. Loughran introduced a bill entitled "An act supplementary to and amendatory of chapter 202 of the Laws of 1871, passed March 28, 1871, entitled 'An act to establish a board for the examination of and licensing druggists and prescription clerks in the city of New York,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

Mr. Whitbeck introduced a bill entitled "An act to prevent double taxation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Mr. Roche introduced a bill entitled "An act concerning certain female habitual drunkards, vagrants and prostitutes in the city of Brooklyn and county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

On motion of Mr. Herrick,

*Resolved*, That the committee on railroads be discharged from the

further consideration of the petition relative to the bridge over the Hudson river, and that the same be referred to the committee on commerce and navigation.

On motion of Mr. Whitaker,

*Resolved* (if the Senate concur), That a respectful message be sent to the Governor, asking him to return for amendment, Assembly bill No. 88, entitled "An act to amend an act entitled 'An act to authorize the trustees of the village of Ellenville to borrow money for the purpose of introducing water into the village, and to control and regulate the same,' passed April 5, 1866, and supplemental thereto."

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

On motion of Mr. Springsted,

*Resolved*, That the matters relative to the Albany Hospital, in the preamble offered for the consideration of the House, on the fifth day of February, now lying on the table, be referred to the committee of ways and means, to make investigation and report to this House concerning the matters therein set forth.

Mr. Jacobs moved that the bill entitled "An act to provide for the payment of certain officers and employes of the Senate and Assembly, for their services," be considered in the first committee of the whole.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

The House then resolved itself into a committee of the whole on the bills entitled as follows :

"An act to provide for the payment of certain officers and employes of the Senate and Assembly, for their services."

"An act to incorporate the Manhattan Accommodation Company."

"An act in relation to the manufacture, quality and inspection of gas."

And after some time spent therein Mr. Speaker resumed the chair, and Mr. Vedder, from said committee, reported progress on said first mentioned bill, and asked leave to sit again.

Mr. Vedder, from said committee, also reported progress on said second mentioned bill, and asked leave to sit again.

Mr. Husted moved to discharge the committee of the whole from the further consideration of said bill, and that the same be ordered engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

*Ordered*, That said bill be engrossed for a third reading.

Mr. Vedder, from said committee, also reported progress on said third mentioned bill, and asked leave to sit again.

Mr. Fields moved that said bill be recommitted to the committee on trade and manufactures, retaining its place on general orders, and that said committee be directed to report within eight days.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Burns moved that the bill entitled "An act to amend chapter 148 of the Laws of 1867, entitled 'An act to amend an act to consolidate and amend the several acts incorporating or relating to the village of Skaneateles,' passed April 16, 1867," be considered in the first committee of the whole.

Mr. Speaker put the question whether the House would agree to said



motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Smiley moved that Senate bill entitled "An act to incorporate the Moose River Improvement Company," be considered in the first committee of the whole.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Fields moved to reconsider said vote.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Fields then moved that Assembly bill entitled "An act to incorporate the Moose River Improvement Company," be considered in the first committee of the whole.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Hungerford offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That Senate bill No. 13, entitled "An act to release the interest of the people of the State of New York, in and to certain lands in Oneida county, to George A. Reynolds," be considered in the first committee of the whole.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to amend chapter 148 of the Laws of 1867, entitled 'An act to amend an act to consolidate and amend the several acts incorporating or relating to the village of Skaneateles,' passed April 16, 1867."

"An act to incorporate the Moose River Improvement Company."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Mackay, from said committee, reported in favor of the passage of said first mentioned bill, with amendments, and the title amended so as to read "An act to amend chapter 148 of the Laws of 1867, entitled 'An act to amend an act entitled An act to condense and amend the several acts incorporating or relating to the village of Skaneateles,' passed April 16, 1857, passed March 25, 1867," which report was agreed to, and said bill ordered engrossed for a third reading.

The question being raised that no quorum was present, Mr. Speaker resumed the chair, and dissolved the committee; when

Mr. Mackay, from said committee, reported that they had made some progress on the second mentioned bill, but finding no quorum present, report that fact to the House.

By unanimous consent, Mr. Tobey introduced a bill entitled "An act to authorize the extension of the time for the collection of taxes in the town of Moriah, Essex county;" which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Tobey, and by unanimous consent, said bill was ordered to a third reading.

On motion of Mr. Tobey, and by unanimous consent, said bill was made a special order immediately after the consideration of the special orders previously ordered.



The Senate returned the resolution requesting the Governor to return the bill No. 75 for amendment entitled "An act to amend the several acts incorporating the village of Weedsport, in the county of Cayuga, passed April 7, 1857," with a message that they had concurred in the passage of the same.

*Ordered*, That the Clerk deliver said resolution to the Governor.

The Senate returned the resolution requesting the Governor to return for amendment the bill entitled "An act to amend an act entitled 'An act to authorize the trustees of the village of Ellenville to borrow money for the purpose of introducing water into the village, and to control and regulate the same,' passed April 5, 1866, and supplemental thereto," with a message that they had concurred in the passage of the same.

*Ordered*, That the Clerk deliver said resolution to the Governor.

On motion of Mr. I. D. Brown, at 10 o'clock and 10 minutes, the House adjourned.

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## TUESDAY, FEBRUARY 27, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. John James.

The journal of yesterday was read and approved.

A message from the Senate was received and read, informing of concurrence in the passage of the bills entitled as follows:

"An act relating to the settling, signing and sealing of bills of exceptions in criminal cases."

"An act for the relief of John N. Dunn and Eliphalet J. Swain."

*Ordered*, That the Clerk deliver said bills to the Governor.

By unanimous consent Mr. Beckwith offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the committee of the whole be discharged from the further consideration of the Senate bill entitled "An act to establish the tenth ward in the city of Utica, and that the bill be ordered to a third reading."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

By unanimous consent, Mr. Alvord introduced a bill entitled "An act to ascertain by proper proofs the citizens who shall be entitled to the right of suffrage in the cities and incorporated villages of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

On motion of Mr. Alvord, said bill was ordered printed and placed on the files of the members.

By unanimous consent, Mr. Alvord introduced a bill entitled "An act to amend an act entitled 'An act to provide for the safe custody and care of insane criminals,' passed May 17, 1869; also, an act to amend an act entitled 'An act to authorize judicial inquiry as to the sanity of persons indicted for capital offenses,' passed April 21, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State charitable institutions.

By unanimous consent, Mr. Alvord introduced a bill entitled "An act to provide for the audit and payment of certain claims and expenses incurred by the direction of the Governor and Attorney-General, in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

The Senate sent for concurrence the bill entitled "An act supplementary to and amendatory of chapter 80 of the Laws of 1870, entitled 'An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defense, and entitled the Military Code,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the militia.

A message was received from the Governor, in the words following, to wit:

EXECUTIVE CHAMBER, }  
ALBANY, February 27, 1872. }

*To the Assembly:*

In compliance with the joint resolution of the Senate and Assembly, I return, herewith, for amendment, Assembly bill No. 88, entitled "An act to amend an act entitled 'An act to authorize the trustees of the village of Ellenville to borrow money for the purpose of introducing water into the village, and to control and regulate the use of the same,' passed April 5, 1866, and supplemental thereto."

JOHN T. HOFFMAN.

The message having been read,

Mr. Loughran moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present

} AYES 92 }  
} NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Davidson    | Husted     | Mosher     | Sniper          |
| Aitken        | Fields      | Hyatt      | Moulton    | Snyder          |
| D. L. Babcock | Fort        | Jacobs     | Murdock    | Speaker         |
| I. H. Babcock | Fowler      | Judd       | Osgood     | Springsted      |
| Badeau        | Goss        | Kennedy    | Paige      | Squires         |
| Baltz         | Green       | Knapp      | Pell       | Strahan         |
| Beckwith      | Greenhalgh  | Knettles   | Pierce     | Swain           |
| Bemus         | Gregory     | Lewis      | Prince     | Tilden          |
| Bennett       | Haight      | Lincoln    | Ray        | Tobey           |
| E. E. Brown   | Haughton    | Lippitt    | Rice       | D. Tomkins      |
| I. D. Brown   | A. L. Hayes | G. D. Lord | Roche      | Tucker          |
| Buckley       | J. Hayes    | Lott       | Rose       | A. L. Van Dusen |
| Burns         | Healy       | Loughran   | Sage       | W. J. Van Dusen |
| Burritt       | Herrick     | Lynde      | Shepardson | Vedder          |
| Campbell      | A. Hill     | Mackay     | Simson     | Wells           |
| Chamberlain   | D. B. Hill  | Marcy      | Smiley     | Whitbeck        |
| Chambers      | Holdridge   | Moore      | Smith      | Whitaker        |
| Cook          | Hollister   | Moseley    | Smyth      | Woolsey         |
| Couchman      | Houghton    |            |            |                 |

The vote on the final passage of said bill having been reconsidered.

On motion of Mr. Loughran, and by unanimous consent, said bill was amended by inserting after the word "bond" in line 2, section 3, engrossed bill, the words "at not less than ninety cents on a dollar."

Also, same section, line 7, after the word "same" insert the words "at not less than ninety cents on a dollar."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 90 }  
{ NOES 2 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Chambers    | Healy      | Loughran   | Simson          |
| Aitken        | Cook        | Herrick    | Lynde      | Smith           |
| Alberger      | Couchman    | A. Hill    | Mackay     | Smyth           |
| Alvord        | Davidson    | Holdridge  | Marcy      | Sniper          |
| D. L. Babcock | Eastman     | Hollister  | Moore      | Springsted      |
| I. H. Babcock | Enos        | Houghton   | Moseley    | Squires         |
| Badeau        | Foley       | Husted     | Mosher     | Strahan         |
| Baltz         | Fort        | Hyatt      | Oakley     | Tobey           |
| Beckwith      | Fowler      | Jacobs     | Osgood     | D. Tomkins      |
| Bemus         | Goss        | Judd       | Paige      | Tucker          |
| Bennett       | Green       | Kennedy    | Pell       | A. L. Van Dusen |
| E. E. Brown   | Greenhalgh  | Knapp      | Pierce     | W. J. Van Dusen |
| I. D. Brown   | Gregory     | Knettles   | Ray        | Vedder          |
| Buckley       | Haight      | Lewis      | Rice       | Wells           |
| Burns         | Hart        | Lincoln    | Roche      | Whitbeck        |
| Burritt       | Haughton    | Lippitt    | Rose       | Whitaker        |
| Carroll       | Hawkins     | G. D. Lord | Sage       | Woolsey         |
| Chamberlain   | A. L. Hayes | Lott       | Shepardson | Yeomans         |

Those who voted in the negative, were

Frear                      Speaker

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

A message was received from the Governor, in the words following, to wit:

EXECUTIVE CHAMBER, }  
ALBANY, *February 27, 1872.* }

*To the Assembly:*

In compliance with the joint resolution of the Senate and Assembly, I return, herewith, for amendment, Assembly bill No. 75, entitled "An act to amend an act entitled 'An act to amend the several acts incorporating the village of Weedsport in the county of Cayuga,' passed April 7, 1857."

JOHN T. HOFFMAN.

The message having been read.

Mr. I. D. Brown moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.



{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Couchman   | D. B. Hill | Marcy      | Smith           |
| Aitken        | Crandall   | Holdridge  | Moore      | Smyth           |
| Alvord        | Davidson   | Hollister  | Mosher     | Sniper          |
| D. L. Babcock | Eastman    | Houghton   | Moulton    | Speaker         |
| I. H. Babcock | Enos       | Hungerford | Oakley     | Springsted      |
| Badeau        | Foley      | Husted     | Osgood     | Squires         |
| Baltz         | Fort       | Jacobs     | Paige      | Strahan         |
| Beckwith      | Fowler     | Judd       | Pell       | Swain           |
| Bemus         | Frear      | Kennedy    | Pierce     | Tobey           |
| E. E. Brown   | Goss       | Knapp      | Preston    | D. Tomkins      |
| I. D. Brown   | Green      | Knettles   | Ray        | A. L. Van Dusen |
| Burns         | Greenhalgh | Lewis      | Rice       | W. J. Van Dusen |
| Burritt       | Gregory    | Lincoln    | Roche      | Vedder          |
| Campbell      | Haight     | Lippitt    | Rose       | Wells           |
| Carroll       | Haughton   | G. D. Lord | Sage       | Whitbeck        |
| Chamberlain   | Hawkins    | Lott       | Shepardson | Whitaker        |
| Chambers      | Healy      | Lynde      | Simson     | Woolsey         |
| Cook          | Herrick    | Mackay     | Smiley     |                 |

The vote on the final passage of said bill having been reconsidered.

On motion of Mr. I. D. Brown, and by unanimous consent, said bill was amended by striking out the word "judge" in line 13, section 1, engrossed bill, and inserting in lieu thereof the word "court."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Aitken        | Eastman    | Husted     | Mosher     | Sniper          |
| Alvord        | Enos       | Hyatt      | Moulton    | Speaker         |
| D. L. Babcock | Foley      | Jacobs     | Murdock    | Squires         |
| I. H. Babcock | Fort       | Judd       | Oakley     | Strahan         |
| Badeau        | Fowler     | Kennedy    | Osgood     | Swain           |
| Baltz         | Frear      | Kingsland  | Paige      | Tobey           |
| Beckwith      | Green      | Knapp      | Pell       | D. Tomkins      |
| Bemus         | Greenhalgh | Knettles   | Pierce     | Tucker          |
| Bennett       | Gregory    | Lewis      | Prince     | A. L. Van Dusen |
| I. D. Brown   | Haughton   | Lincoln    | Ray        | W. J. Van Dusen |
| Buckley       | Hawkins    | Lippitt    | Roche      | Vedder          |
| Burns         | Herrick    | G. D. Lord | Rose       | Wells           |
| Campbell      | A. Hill    | Lott       | Sage       | Whitbeck        |
| Chamberlain   | D. B. Hill | Lynde      | Shepardson | Whitaker        |
| Chambers      | Holdridge  | Mackay     | Simson     | Woodward        |
| Couchman      | Hollister  | Marcy      | Smiley     | Woolsey         |
| Crandall      | Houghton   | Moore      | Smyth      | Yeomans         |
| Davidson      | Hungerford | Moseley    |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

A message from the Senate was received and read, in the words following:

IN SENATE, *February 26, 1872.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill entitled "An act to amend chapter 156

of the Laws of 1868, entitled 'An act to incorporate the village of Greenport, Suffolk county.'

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Cock, and by unanimous consent, the same was amended as follows:

Section 1, line 20, engrossed bill, after the word "meeting," add the following: "and shall also post such notice in three public places therein."

Same section, line 6, engrossed bill, before the word "clerk," insert the word "village."

Same section, same page, line 8, after the word "give," insert the word "written."

Same section, same page, lines 12 and 13, strike out the word "trustees" and insert the words "county court."

Same section, same page, line 13, after the word "judicious," insert the words "persons as commissioners who shall be."

Same section, same page, line 17, strike out the word "assess" and insert the word "levy."

Same section, same page, line 19, strike out the words "same pay as other assessors receive," and insert the words "sum of three dollars per day when actually engaged in service."

Same section, same page, line 20, strike out the word "assessors" and insert the word "commissioners."

Same section, same page, same line, after the word "journal," insert the words "to and file."

Same section, same page, line 21, strike out the word "to" and insert the word "with."

Same section, same page, line 26, strike out the words "have an."

Same section, same page, same line, strike out the words "judge, if brought," and insert the word "court."

Same section, same page, line 28, strike out the word "judge" and insert the word "court."

Same section, same page, line 29, after the word "unjust" strike out all down to and including the word "order" in line 30.

Same section, same page, line 31, strike out the word "judge" and insert the word "court."

Same section, same page, after the word "damages" strike out the word "they" and insert the words "the trustees."

Same section, same page, at the end of the same line, strike out the word "also."

And as amended passed, and sent to the Assembly for concurrence.

Mr. Alvord moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

|          |          |           |        |        |
|----------|----------|-----------|--------|--------|
| Aitken   | Couchman | Holdridge | Mackay | Smith  |
| Alberger | Crandall | Hollister | Marcy  | Smyth  |
| Alvord   | Davidson | Houghton  | Moore  | Sniper |

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| D. L. Babcock | Eastman     | Hungerford | Morton     | Snyder          |
| I. H. Babcock | Fields      | Hyatt      | Moseley    | Speaker         |
| Badeau        | Foley       | Jacobs     | Moulton    | Springsted      |
| Beckwith      | Fort        | Judd       | Murdock    | Squires         |
| Bemus         | Fowler      | Kennedy    | Pell       | Swain           |
| Bennett       | Goss        | Kingsland  | Pierce     | Tobey           |
| I. D. Brown   | Green       | Knapp      | Prince     | Tucker          |
| Buckley       | Greenhalgh  | Knettles   | Ray        | A. L. Van Dusen |
| Burns         | Gregory     | Lewis      | Rice       | W. J. Van Dusen |
| Burritt       | Hawkins     | Lincoln    | Rose       | Vedder          |
| Campbell      | A. L. Hayes | Lippitt    | Sage       | Wells           |
| Chamberlain   | Healy       | G. D. Lord | Shepardson | Whitbeck        |
| Chambers      | Herrick     | Lott       | Simson     | Whitaker        |
| Cook          | D. B. Hill  | Lynde      | Smiley     | Woodward        |

Mr. Speaker then put the question whether the House would agree to the final passage of said bill, as amended, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Aitken        | Couchman    | Herrick    | Mackay     | Simson          |
| Alvord        | Crandall    | A. Hill    | Moore      | Smyth           |
| D. L. Babcock | Davidson    | D. B. Hill | Morton     | Sniper          |
| I. H. Babcock | Eastman     | Holdridge  | Moseley    | Speaker         |
| Badeau        | Fields      | Houghton   | Mosher     | Springsted      |
| Baltz         | Foley       | Hungerford | Moulton    | Squires         |
| Bemus         | Fort        | Husted     | Paige      | Strahan         |
| Bennett       | Fowler      | Hyatt      | Pell       | Swain           |
| E. E. Brown   | Frear       | Kennedy    | Pierce     | Tobey           |
| I. D. Brown   | Goss        | Knapp      | Preston    | D. Tomkins      |
| Buckley       | Green       | Knettles   | Prince     | Tucker          |
| Burns         | Greenhalgh  | Lewis      | Ray        | A. L. Van Dusen |
| Burritt       | Gregory     | Lincoln    | Rice       | W. J. Van Dusen |
| Campbell      | Haight      | Lippitt    | Roche      | Vedder          |
| Carroll       | Haughton    | G. D. Lord | Rose       | Wells           |
| Chamberlain   | Hawkins     | Lott       | Sage       | Whitaker        |
| Chambers      | A. L. Hayes | Lynde      | Shepardson | Yeomans         |
| Cook          | Healy       |            |            |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, as amended.

Mr. Smyth, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

“An act to reorganize the local government of the city of New York.”

Mr. Lott, from the committee on engrossed bills, reported as correctly re-engrossed the bills entitled as follows:

“An act to amend chapter 576, of the Laws of 1870, entitled ‘An act to provide for the introduction of the European system of steam towage upon the canals of this State.’”

“An act to amend an act entitled ‘An act to authorize the trustees of the village of Ellenville to borrow money for the purpose of introducing water into the village, and to control and regulate the use of the same,’ passed April 5, 1866, and supplemental thereto.”

Leave of absence was granted to Mr. West until Thursday next.

Pursuant to the 9th joint rule, Mr. Speaker announced the order of business of third reading of bills.

The bill entitled “An act in relation to the location and erection of



public buildings for the use of the city of Rochester," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof.

{ AYES 61 }  
{ NOES 40 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Aitken        | Chamberlain | A. Hill    | Moseley | Snyder          |
| Alberger      | Chambers    | D. B. Hill | Mosher  | Springsted      |
| D. L. Babcock | Cook        | Holdridge  | Moulton | Squires         |
| I. H. Babcock | Couchman    | Houghton   | Oakley  | Strahan         |
| Badeau        | Davidson    | Husted     | Paige   | Swain           |
| Beckw.th      | Eastman     | Jacobs     | Ray     | Tobey           |
| Bemus         | Fields      | Knettles   | Roche   | D. Tomkins      |
| Bennett       | Foley       | G. D. Lord | Sage    | A. L. Van Dusen |
| Blair         | Frear       | Loughran   | Simson  | Whitbeck        |
| E. E. Brown   | Haight      | Lynde      | Smiley  | Wiley           |
| Buckley       | Hawkins     | Marcy      | Smith   | Woolsey         |
| Burritt       | Healy       | Morton     | Smyth   | Yeomans         |
| Campbell      |             |            |         |                 |

Those who voted in the negative, were

|          |             |           |         |                 |
|----------|-------------|-----------|---------|-----------------|
| Abbott   | Green       | Kennedy   | Moore   | Shepardson      |
| Alvord   | Greenhalgh  | Kingsland | Murdock | Speaker         |
| Baltz    | Gregory     | Knapp     | Pell    | Tucker          |
| Burns    | A. L. Hayes | Lewis     | Pierce  | W. J. Van Dusen |
| Crandall | Herrick     | Lincoln   | Preston | Vedder          |
| Fort     | Hollister   | Lippitt   | Prince  | Wells           |
| Fowler   | Hungerford  | Lott      | Rice    | Whitaker        |
| Goss     | Hyatt       | Mackay    | Rose    | Woodward        |

Mr. G. D. Lord moved to reconsider said vote, and that that motion lay on the table.

Mr. Speaker put the question whether the House would agree to said motion to lay on the table, and it was determined in the affirmative.

The bill entitled "An act to establish a court of special sessions, in and for the city of Albany, and to confer further judicial powers upon the recorder of said city," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 92 }  
{ NOES 3 }

Those who voted in the affirmative, were

|               |          |            |         |            |
|---------------|----------|------------|---------|------------|
| Abbott        | Couchman | D. B. Hill | Mackay  | Simson     |
| Aitken        | Crandall | Holdridge  | Marcy   | Smiley     |
| Alberger      | Eastman  | Hollister  | Moore   | Smith      |
| Alvord        | Enos     | Houghton   | Moseley | Smyth      |
| D. L. Babcock | Fields   | Hungerford | Moulton | Sniper     |
| I. H. Babcock | Fort     | Hyatt      | Murdock | Snyder     |
| Badeau        | Fowler   | Jacobs     | Oakley  | Speaker    |
| Baltz         | Frear    | Kennedy    | Osgood  | Tobey      |
| Beckwith      | Goss     | Kingsland  | Paige   | D. Tomkins |
| Bemus         | Green    | Knapp      | Pell    | Tucker     |

|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| Bennett     | Greenhalgh  | Knettles   | Pierce     | A. L. Van Dusen |
| I. D. Brown | Gregory     | Lewis      | Preston    | W. J. Van Dusen |
| Buckley     | Haight      | Lincoln    | Prince     | Wells           |
| Burns       | Haughton    | Lippitt    | Ray        | Whitbeck        |
| Burritt     | Hawkins     | G. D. Lord | Rice       | Whitaker        |
| Campbell    | A. L. Hayes | Lott       | Rose       | Woodward        |
| Chamberlain | Healy       | Loughran   | Sage       | Woolsey         |
| Chambers    | Herrick     | Lynde      | Shepardson | Yeomans         |
| Cook        | A. Hill     |            |            |                 |

Those who voted in the negative, were

Mosher                      Roche                      Springsted

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. A. L. Van Dusen, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act to extend the time for collection of taxes in the city of Oswego."

"An act to authorize the inhabitants of the town of Oswego to raise money to build a soldiers' monument."

"An act to incorporate the Manhattan Accommodation Company."

"An act to amend chapter 148 of the Laws of 1867, entitled 'An act to amend an act entitled An act to condense and amend the several acts incorporating or relating to the village of Skaneateles,' passed April 6, 1857, passed March 25, 1867."

"An act to authorize the extension of the time for the collection of taxes in the town of Moriah, Essex county."

The bill entitled "An act to amend section 10 of chapter 739 of the Laws of 1857, entitled 'An act to authorize the formation of town insurance companies,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill; and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Aitken        | Davidson    | Houghton   | Moore      | Sniper          |
| Alberger      | Eastman     | Hungerford | Morton     | Speaker         |
| Alvord        | Enos        | Husted     | Moseley    | Springsted      |
| D. L. Babcock | Fields      | Hyatt      | Moulton    | Squires         |
| I. H. Babcock | Foley       | Jacobs     | Oakley     | Strahan         |
| Badeau        | Fort        | Kennedy    | Paige      | Swain           |
| Beckwith      | Fowler      | Kingsland  | Pell       | Tobey           |
| Bemus         | Frear       | Knapp      | Pierce     | D Tomkins       |
| Blair         | Goss        | Knettles   | Preston    | Tucker          |
| E. E. Brown   | Green       | Lewis      | Prince     | A. L. Van Dusen |
| I. D. Brown   | Greenhalgh  | Lincoln    | Ray        | W. J. Van Dusen |
| Burns         | Gregory     | G. D. Lord | Rose       | Vedder          |
| Campbell      | Haight      | Lott       | Sage       | Wells           |
| Chamberlain   | A. L. Hayes | Loughran   | Shepardson | Whitbeck        |
| Chambers      | Herrick     | Lynde      | Simson     | Whitaker        |
| Cook          | D. B. Hill  | Mackay     | Smith      | Woolsey         |
| Couchman      | Holdridge   | Marcy      | Smyth      | Yeomans         |
| Crandall      | Hollister   |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Pursuant to special order, the bill entitled "An act to extend the time for collection of taxes in the city of Oswego," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 94 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Couchman    | Holdridge  | Moore      | Snyder          |
| Aitken        | Crandall    | Hollister  | Morton     | Speaker         |
| Alberger      | Davidson    | Houghton   | Mosher     | Springsted      |
| Alvord        | Eastman     | Hungerford | Moulton    | Squires         |
| D. L. Babcock | Enos        | Husted     | Oakley     | Strahan         |
| I. H. Babcock | Fields      | Hyatt      | Pell       | Swain           |
| Badeau        | Foley       | Jacobs     | Pierce     | Tobey           |
| Baltz         | Fort        | Judd       | Preston    | D. Tomkins      |
| Bemus         | Fowler      | Kennedy    | Prince     | Tucker          |
| Bennett       | Goss        | Knapp      | Ray        | A. L. Van Dusen |
| Blair         | Green       | Knettles   | Rice       | W. J. Van Dusen |
| E. E. Brown   | Greenhalgh  | Lewis      | Roche      | Vedder          |
| I. D. Brown   | Gregory     | Lincoln    | Rose       | Whitbeck        |
| Buckley       | Haight      | Lippitt    | Sage       | Whitaker        |
| Burns         | A. L. Hayes | G. D. Lord | Shepardson | Wiley           |
| Burritt       | Healy       | Lott       | Simson     | Woodward        |
| Chamberlain   | Herrick     | Loughran   | Smith      | Woolsey         |
| Chambers      | A. Hill     | Lynde      | Smyth      | Yeomans         |
| Cook          | D. B. Hill  | Mackay     | Sniper     |                 |

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Burns moved that the bill entitled "An act to amend chapter 148 of the Laws of 1867, entitled 'An act to amend an act entitled An act to condense and amend the several acts incorporating or relating to the village of Skaneateles,' passed April 16, 1857, passed March 25, 1867," be read a third time immediately after the consideration of the special orders now under consideration.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Pursuant to special order, the bill entitled "An act to authorize the inhabitants of Oswego to raise money to build a soldiers' monument," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present:

{ AYES 93 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |            |         |            |
|---------------|----------|------------|---------|------------|
| Abbott        | Crandall | Hollister  | Moulton | Sniper     |
| Alvord        | Davidson | Houghton   | Oakley  | Snyder     |
| D. L. Babcock | Eastman  | Hungerford | Osgood  | Speaker    |
| I. H. Babcock | Fields   | Hyatt      | Paige   | Springsted |
| Badeau        | Fort     | Judd       | Pell    | Squires    |



|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| Baltz       | Fowler      | Kennedy    | Pierce     | Strahan         |
| Beckwith    | Frear       | Kingsland  | Preston    | Tobey           |
| Bemus       | Goss        | Knapp      | Prince     | D. Tomkins      |
| Bennett     | Green       | Lewis      | Ray        | Tucker          |
| Blair       | Greenhalgh  | Lincoln    | Rice       | A. L. Van Dusen |
| E. E. Brown | Gregory     | Lippitt    | Roche      | W. J. Van Dusen |
| I. D. Brown | Haight      | G. D. Lord | Rose       | Vedder          |
| Buckley     | Hawkins     | Lott       | Sage       | Whitbeck        |
| Burns       | A. L. Hayes | Loughran   | Shepardson | Whitaker        |
| Burritt     | Healy       | Lynde      | Simson     | Wiley           |
| Chamberlain | Herrick     | Mackay     | Smiley     | Woodward        |
| Chambers    | A. Hill     | Marcy      | Smith      | Woolsey         |
| Cook        | D. B. Hill  | Moore      | Smyth      | Yeomans         |
| Couchman    | Holdridge   | Morton     |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Pursuant to special order, the bill entitled "An act to authorize the extension of the time for the collection of taxes in the town of Moriah, Essex county," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Aitken        | Crandall    | D. B. Hill | Mackay     | Smiley          |
| Alvord        | Davidson    | Holdridge  | Morton     | Smith           |
| D. L. Babcock | Eastman     | Hollister  | Mosher     | Smyth           |
| I. H. Babcock | Enos        | Houghton   | Moulton    | Sniper          |
| Badeau        | Fields      | Hungerford | Oakley     | Springsted      |
| Baltz         | Foley       | Jacobs     | Osgood     | Squires         |
| Beckwith      | Fort        | Judd       | Pell       | Strahan         |
| Bemus         | Fowler      | Kennedy    | Pierce     | Tobey           |
| Bennett       | Frear       | Kingsland  | Preston    | D. Tomkins      |
| Blair         | Goss        | Knapp      | Prince     | Tucker          |
| E. E. Brown   | Green       | Lewis      | Ray        | A. L. Van Dusen |
| I. D. Brown   | Greenhalgh  | Lincoln    | Rice       | W. J. Van Dusen |
| Burns         | Gregory     | Lippitt    | Roche      | Whitbeck        |
| Burritt       | Haight      | G. D. Lord | Rose       | Whitaker        |
| Chamberlain   | Hawkins     | Lott       | Sage       | Wiley           |
| Chambers      | A. L. Hayes | Loughran   | Shepardson | Woolsey         |
| Cook          | Healy       | Lynde      | Simson     | Yeomans         |
| Couchman      | Herrick     |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Pursuant to special order, the bill entitled "An act to amend chapter 148 of the Laws of 1867, entitled 'An act to amend an act entitled An act to condense and amend the several acts incorporating or relating to the village of Skaneateles,' passed April 16, 1857, passed March 25, 1867," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Abbott        | Couchman    | A. Hill    | Lynde   | Simson          |
| Aitken        | Crandall    | D. B. Hill | Mackay  | Smiley          |
| Alvord        | Davidson    | Holdridge  | Marcy   | Smith           |
| D. L. Babcock | Eastman     | Hollister  | Moore   | Smyth           |
| I. H. Babcock | Enos        | Houghton   | Morton  | Sniper          |
| Badeau        | Foley       | Hungerford | Mosher  | Snyder          |
| Baltz         | Fort        | Husted     | Moulton | Speaker         |
| Beckwith      | Fowler      | Hyatt      | Oakley  | Squires         |
| Bemus         | Frear       | Jacobs     | Pell    | Strahan         |
| Bennett       | Goss        | Judd       | Pierce  | D. Tomkins      |
| Blair         | Green       | Kennedy    | Preston | Tucker          |
| E. E. Brown   | Greenhalgh  | Kingsland  | Prince  | A. L. Van Dusen |
| I. D. Brown   | Gregory     | Knapp      | Ray     | W. J. Van Dusen |
| Burns         | Haight      | Lewis      | Rice    | Whitbeck        |
| Burritt       | Hawkins     | Lincoln    | Roche   | Whitaker        |
| Chamberlain   | A. L. Hayes | G. D. Lord | Rose    | Woolsey         |
| Chambers      | Healy       | Lott       | Sage    | Yeomans         |
| Cook          | Herrick     | Loughran   |         |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

On motion of Mr. Beckwith, and by unanimous consent, the Senate bill entitled "An act to establish the Tenth ward, in the city of Utica," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 73 }  
{ NOES 6 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Abbott        | Eastman    | Houghton   | Lynde   | Smiley          |
| Alberger      | Enos       | Hungerford | Moore   | Smith           |
| D. L. Babcock | Foley      | Hyatt      | Morton  | Sniper          |
| I. H. Babcock | Fort       | Jacobs     | Moulton | Speaker         |
| Badeau        | Fowler     | Judd       | Oakley  | Squires         |
| Baltz         | Goss       | Kennedy    | Pell    | Strahan         |
| Beckwith      | Green      | Kingsland  | Pierce  | Swain           |
| E. E. Brown   | Greenhalgh | Knapp      | Preston | D. Tomkins      |
| Burns         | Gregory    | Knottles   | Prince  | W. J. Van Dusen |
| Burritt       | Haight     | Lewis      | Ray     | Vedder          |
| Chambers      | Hawkins    | Lincoln    | Rice    | Wells           |
| Cook          | A. Hill    | Lippitt    | Roche   | Whitbeck        |
| Couchman      | D. B. Hill | G. D. Lord | Rose    | Whitaker        |
| Crandall      | Holdridge  | Lott       | Sage    | Woodward        |
| Davidson      | Hollister  | Loughran   |         |                 |

Those who voted in the negative, were

|             |        |       |       |         |
|-------------|--------|-------|-------|---------|
| Alvord      | Mackay | Marcy | Smyth | Yeomans |
| I. D. Brown |        |       |       |         |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act authorizing the election of a board of auditors for the town of Lenox, Madison county, and empowering other

towns to avail themselves of the provisions of this act," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Aitken        | Davidson   | Houghton   | Moseley | Sniper          |
| Alberger      | Eastman    | Hungerford | Mosher  | Speaker         |
| Alvord        | Enos       | Hyatt      | Moulton | Springsted      |
| D. L. Babcock | Fields     | Jacobs     | Murdock | Squires         |
| I. H. Babcock | Fort       | Kingsland  | Oakley  | Strahan         |
| Badeau        | Fowler     | Knapp      | Paige   | Swain           |
| Beckwith      | Goss       | Knettles   | Pell    | D. Tomkins      |
| Bennett       | Green      | Lewis      | Pierce  | A. L. Van Dusen |
| Blair         | Greenhalgh | Lincoln    | Preston | W. J. Van Dusen |
| E. E. Brown   | Gregory    | G. D. Lord | Prince  | Vedder          |
| I. D. Brown   | Haight     | Lott       | Ray     | Whitbeck        |
| Buckley       | Hawkins    | Loughran   | Rice    | Whitaker        |
| Burritt       | Healy      | Lynde      | Roche   | Woodward        |
| Chamberlain   | A. Hill    | Mackay     | Rose    | Woolsey         |
| Cook          | D. B. Hill | Moore      | Simson  | Yeomans         |
| Couchman      | Hollister  | Morton     | Smyth   |                 |

For the negative

Holdridge

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 156 of the Laws of 1868, entitled "An act to incorporate the village of Greenport, Suffolk county," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Abbott        | Cook       | Hollister  | Mosher  | Speaker         |
| Aitken        | Couchman   | Houghton   | Moulton | Springsted      |
| Alberger      | Davidson   | Hungerford | Murdock | Squires         |
| Alvord        | Eastman    | Husted     | Oakley  | Strahan         |
| D. L. Babcock | Enos       | Hyatt      | Paige   | Swain           |
| I. H. Babcock | Fort       | Kingsland  | Pell    | Tobey           |
| Badeau        | Fowler     | Knapp      | Pierce  | D. Tomkins      |
| Baltz         | Goss       | Knettles   | Preston | Tucker          |
| Bennett       | Green      | Lewis      | Prince  | A. L. Van Dusen |
| Blair         | Greenhalgh | Lincoln    | Ray     | W. J. Van Dusen |
| E. E. Brown   | Gregory    | G. D. Lord | Rice    | Vedder          |
| I. D. Brown   | Haight     | Lott       | Roche   | Whitbeck        |
| Burns         | Hawkins    | Loughran   | Rose    | Whitaker        |
| Burritt       | Healy      | Lynde      | Sage    | Woodward        |
| Campbell      | A. Hill    | Mackay     | Simson  | Woolsey         |
| Chamberlain   | D. B. Hill | Moore      | Smiley  | Yeomans         |
| Chambers      | Holdridge  | Morton     | Sniper  |                 |



*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Fort moved to reconsider said vote, and that that motion lay on the table.

Mr. Speaker put the question whether the House would agree to said motion to lay on the table, and it was determined in the affirmative.

The bill entitled "An act giving consent of the State of New York to the purchase by and ceding jurisdiction to the United States over certain land on Cumberland Head, Clinton county, within this State, to be occupied as site of light-house, keeper's dwelling, etc," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 91 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Abbott        | Cook       | Hollister  | Moseley | Smyth           |
| Aitken        | Couchman   | Houghton   | Mosher  | Sniper          |
| Alberger      | Davidson   | Hungerford | Moulton | Speaker         |
| Alvord        | Eastman    | Hyatt      | Murdock | Springsted      |
| D. L. Babcock | Enos       | Jacobs     | Oakley  | Squires         |
| I. H. Babcock | Fields     | Kennedy    | Paige   | Strahan         |
| Badeau        | Fort       | Kingsland  | Pell    | Swain           |
| Baltz         | Fowler     | Knapp      | Pierce  | Tobey           |
| Beckwith      | Frear      | Lewis      | Preston | D. Tomkins      |
| Bemus         | Goss       | Lincoln    | Prince  | Tucker          |
| Bennett       | Green      | G. D. Lord | Ray     | A. L. Van Dusen |
| Blair         | Greenhalgh | Lott       | Rice    | W. J. Van Dusen |
| E. E. Brown   | Gregory    | Loughran   | Roche   | Vedder          |
| I. D. Brown   | Haight     | Lynde      | Rose    | Whitbeck        |
| Burns         | Hawkins    | Mackay     | Sage    | Whitaker        |
| Burritt       | A. Hill    | Marcy      | Simson  | Woodward        |
| Campbell      | D. B. Hill | Moore      | Smiley  | Woolsey         |
| Carroll       | Holdridge  | Morton     | Smith   | Yeomans         |
| Chamberlain   |            |            |         |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act granting jurisdiction to the United States over a certain piece of land within this State, to be occupied as a site for offices and storehouses, in the construction, repair and maintenance of a pier, for the formation of a harbor at Oswego, New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 92 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |            |         |            |
|---------------|----------|------------|---------|------------|
| Abbott        | Couchman | Houghton   | Marcy   | Smiley     |
| Aitken        | Davidson | Hungerford | Moore   | Smyth      |
| Alberger      | Eastman  | Husted     | Morton  | Sniper     |
| Alvord        | Enos     | Hyatt      | Mosher  | Springsted |
| D. L. Babcock | Fields   | Jacobs     | Moulton | Squires    |

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| I. H. Babcock | Fort       | Judd       | Murdock | Strahan         |
| Badeau        | Fowler     | Kennedy    | Oakley  | Swain           |
| Beckwith      | Frear      | Kingsland  | Paige   | Tobey           |
| Bemus         | Goss       | Knapp      | Pell    | D. Tomkins      |
| Bennett       | Green      | Knettles   | Pierce  | Tucker          |
| Blair         | Greenhalgh | Lewis      | Preston | A. L. Van Dusen |
| E. E. Brown   | Gregory    | Lincoln    | Prince  | W. J. Van Dusen |
| I. D. Brown   | Haight     | Lippitt    | Ray     | Vedder          |
| Burns         | Hawkins    | G. D. Lord | Rice    | Whitbeck        |
| Burritt       | J. Hayes   | Lott       | Roche   | Whitaker        |
| Campbell      | A. Hill    | Loughran   | Rose    | Woodward        |
| Carroll       | D. B. Hill | Lynde      | Sage    | Woolsey         |
| Chambers      | Holdridge  | Mackay     | Simson  | Yeomans         |
| Cook          | Hollister  |            |         |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act legalizing the conveyance of the fair grounds of the Cattaraugus County Agricultural Society," was read a third time.

Said bill as amended was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Abbott        | Davidson   | Houghton   | Moore   | Smyth           |
| Aitken        | Eastman    | Hungerford | Morton  | Sniper          |
| Alberger      | Enos       | Hyatt      | Mosher  | Speaker         |
| Alvord        | Fields     | Jacobs     | Moulton | Springsted      |
| D. L. Babcock | Foley      | Judd       | Murdock | Squires         |
| I. H. Babcock | Fort       | Kennedy    | Oakley  | Strahan         |
| Badeau        | Fowler     | Kingsland  | Osgood  | Swain           |
| Baltz         | Frear      | Knapp      | Paige   | Tobey           |
| Beckwith      | Goss       | Lewis      | Pell    | D. Tomkins      |
| Bemus         | Green      | Lincoln    | Pierce  | Tucker          |
| Blair         | Greenhalgh | Lippitt    | Preston | A. L. Van Dusen |
| E. E. Brown   | Gregory    | G. D. Lord | Prince  | W. J. Van Dusen |
| I. D. Brown   | Haight     | Lott       | Ray     | Whitbeck        |
| Burns         | Hawkins    | Loughran   | Rose    | Whitaker        |
| Burritt       | D. B. Hill | Lynde      | Sage    | Woodward        |
| Chambers      | Holdridge  | Mackay     | Simson  | Woolsey         |
| Cook          | Hollister  | Marcy      | Smiley  | Yeomans         |
| Couchman      |            |            |         |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act extending the provisions of certain laws permitting municipal corporations to aid in the construction of railroads, to the towns of Salina, Lysander, Van Buren and Clay, and the villages of Baldwinsville and Liverpool, in the county of Onondaga," being announced for a third reading,

On motion of Mr. Alvord, and by unanimous consent, said bill was amended by striking out the words "Lysander, Van Buren," and the words "Baldwinsville and" and changing the word "villages" to the word "village" wherever they occur, said amendments having been made in committee of the whole.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 65 }  
{ NOES 17 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Aitken        | Carroll    | Haight     | Lippitt | Shepardson      |
| Alvord        | Chambers   | Hawkins    | Lott    | Smith           |
| D. L. Babcock | Cook       | D. B. Hill | Lynde   | Sniper          |
| I. H. Babcock | Couchman   | Holdridge  | Mackay  | Speaker         |
| Badeau        | Davidson   | Hollister  | Marcy   | Strahan         |
| Baltz         | Eastman    | Houghton   | Moore   | Swain           |
| Bemus         | Enos       | Judd       | Morton  | Tobey           |
| Bennett       | Fort       | Kennedy    | Moulton | D. Tomkins      |
| Blair         | Fowler     | Kingsland  | Murdock | W. J. Van Dusen |
| E. E. Brown   | Frear      | Knapp      | Osgood  | Vedder          |
| I. D. Brown   | Goss       | Knetties   | Paige   | Whitbeck        |
| Burns         | Green      | Lewis      | Pierce  | Whitaker        |
| Burritt       | Greenhalgh | Lincoln    | Preston | Woodward        |

Those who voted in the negative, were

|          |            |         |        |                 |
|----------|------------|---------|--------|-----------------|
| Alberger | Gregory    | Moseley | Rose   | Smyth           |
| Beckwith | Hungerford | Pell    | Sage   | Tucker          |
| Fields   | Husted     | Ray     | Simson | A. L. Van Dusen |
| Foley    | Loughran   |         |        |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, with amendments.

The bill entitled "An act to amend chapter 576 of the Laws of 1870, entitled "An act to provide for the introduction of the European system of steam towage upon the canals of this State," being announced for a third reading,

On motion of Mr. Fort, and by unanimous consent, said bill was amended by striking out on lines 11 and 12, section 1, printed bill, the words "as the exigencies of its business may require, and use and operate the same," and inserting in lieu thereof the words "as may be necessary to apply and operate the said European system."

Section 2, line 5, strike out the words "or mortgage" and insert in lieu thereof the words "or make and issue the bonds of said company, and secure the same by mortgage of the franchises of said company and also of."

Add at the end of said section the words "except as to mortgages upon the real estate of said company, which shall be recorded as now provided by law."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 1 }

Those who voted in the affirmative, were

|          |          |            |         |        |
|----------|----------|------------|---------|--------|
| Abbott   | Cook     | Hollister  | Moore   | Smith  |
| Aitken   | Couchman | Houghton   | Mosher  | Smyth  |
| Alberger | Davidson | Hungerford | Moulton | Sniper |



|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Alvord        | Eastman    | Husted     | Murdock    | Snyder          |
| D. L. Babcock | Enos       | Jacobs     | Osgood     | Speaker         |
| I. H. Babcock | Fields     | Judd       | Paige      | Springsted      |
| Badeau        | Foley      | Kennedy    | Pell       | Squires         |
| Baltz         | Fort       | Kingsland  | Pierce     | Swain           |
| Beckwith      | Fowler     | Knapp      | Preston    | Tucker          |
| Bemus         | Frear      | Knettles   | Prince     | A. L. Van Dusen |
| Bennett       | Goss       | Lewis      | Ray        | W. J. Van Dusen |
| Blair         | Green      | Lincoln    | Roche      | Vedder          |
| E. E. Brown   | Greenhalgh | Lippitt    | Rose       | Whitbeck        |
| I. D. Brown   | Gregory    | G. D. Lord | Sage       | Whitaker        |
| Burns         | Hawkins    | Lott       | Shepardson | Woodward        |
| Burritt       | Herrick    | Loughran   | Simson     | Woolsey         |
| Campbell      | D. B. Hill | Lynde      | Smiley     | Yeomans         |
| Chambers      | Holdridge  | Mackay     |            |                 |

For the negative.

Moseley

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The private secretary of the Governor appeared in the Assembly chamber, and presented a communication from the Governor, in the words following :

EXECUTIVE CHAMBER, }  
ALBANY, *February 27, 1872.* }

*To the Assembly :*

I return, without my approval, Assembly bill No. 79, entitled "An act to change the name of the First Congregational Church and Society of Poughkeepsie, New York."

Chapter 322 of the Laws of 1870, provides a very simple and inexpensive method of changing the names of incorporations by the courts. This law was enacted for the purpose of relieving the Legislature from applications of this nature, and in order to avoid encumbering, unnecessarily, our annual statute book.

The Legislature, I doubt not, will, on reconsideration, agree with me that the purpose of the law of 1870 is a good one and should be carried out ; which can only be done by rigidly refusing to pass special laws in every case covered by the provisions of the general act.

JOHN T. HOFFMAN.

On motion of Mr. Eastman, said message was laid upon the table.

The Senate bill entitled "An act to authorize Orson Richards and Eber Richards to construct and maintain a swing bridge over the Glens Falls feeder, in the village of Sandy Hill," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |            |         |            |
|---------------|----------|------------|---------|------------|
| Aitken        | Couchman | Hollister  | Moseley | Sniper     |
| Alberger      | Davidson | Houghton   | Mosher  | Speaker    |
| Alvord        | Eastman  | Hungerford | Moulton | Springsted |
| D. L. Babcock | Enos     | Husted     | Murdock | Squires    |
| I. H. Babcock | Fort     | Hyatt      | Osgood  | Strahan    |

|             |            |            |            |                 |
|-------------|------------|------------|------------|-----------------|
| Badeau      | Fowler     | Judd       | Paige      | Swain           |
| Baltz       | Frear      | Kennedy    | Pell       | Tobey           |
| Beckwith    | Goss       | Kingsland  | Pierce     | D. Tomkins      |
| Bemus       | Green      | Knapp      | Preston    | Tucker          |
| Bennett     | Greenhalgh | Knettles   | Prince     | A. L. Van Dusen |
| Blair       | Gregory    | Lewis      | Ray        | W. J. Van Dusen |
| E. E. Brown | Haight     | Lincoln    | Roche      | Vedder          |
| I. D. Brown | Hawkins    | Lippitt    | Rose       | Whitbeck        |
| Burns       | J. Hayes   | G. D. Lord | Shepardson | Whitaker        |
| Burritt     | Healy      | Loughran   | Simson     | Woodward        |
| Campbell    | Herrick    | Lynde      | Smiley     | Woolsey         |
| Chambers    | A. Hill    | Mackay     | Smith      | Yeomans         |
| Cook        | Holdridge  | Moore      | Smyth      |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act for the erection of an iron bridge over the Champlain canal at Comstock's Landing, in the county of Washington," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 4 }

Those who voted in the affirmative, were

|               |            |             |            |                 |
|---------------|------------|-------------|------------|-----------------|
| Abbott        | Carroll    | A. L. Hayes | Mackay     | Snyder          |
| Aitken        | Chambers   | Healy       | Mosher     | Speaker         |
| Alberger      | Cook       | Herrick     | Moulton    | Springsted      |
| Alvord        | Couchman   | A. Hill     | Murdock    | Squires         |
| D. L. Babcock | Davidson   | Holdridge   | Oakley     | Strahan         |
| I. H. Babcock | Eastman    | Hollister   | Osgood     | Swain           |
| Badeau        | Enos       | Houghton    | Paige      | Tobey           |
| Baltz         | Fields     | Hyatt       | Pierce     | D. Tomkins      |
| Beckwith      | Fort       | Judd        | Preston    | Tucker          |
| Bemus         | Fowler     | Kennedy     | Ray        | A. L. Van Dusen |
| Bennett       | Frear      | Kingsland   | Roche      | W. J. Van Dusen |
| Blair         | Goss       | Knapp       | Rose       | Vedder          |
| E. E. Brown   | Green      | Knettles    | Shepardson | Whitbeck        |
| I. D. Brown   | Greenhalgh | Lewis       | Smiley     | Whitaker        |
| Buckley       | Gregory    | Lincoln     | Smith      | Woodward        |
| Burns         | Haight     | Lippitt     | Smyth      | Woolsey         |
| Burritt       | Haughton   | Loughran    | Sniper     | Yeomans         |
| Campbell      | Hawkins    | Lynde       |            |                 |

Those who voted in the negative, were

|       |         |      |        |
|-------|---------|------|--------|
| Foley | Moseley | Pell | Prince |
|-------|---------|------|--------|

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, with amendments.

The bill entitled "An act to prevent the cutting or taking of ice from Chautauqua lake, at certain points therein," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Chamberlain | Holdridge  | Mackay     | Smiley          |
| Aitken        | Chambers    | Hollister  | Marcy      | Smith           |
| Alberger      | Cook        | Houghton   | Moore      | Sniper          |
| Alvord        | Couchman    | Hungerford | Moseley    | Speaker         |
| D. L. Babcock | Davidson    | Hyatt      | Mosher     | Springsted      |
| I. H. Babcock | Eastman     | Jacobs     | Moulton    | Squires         |
| Badeau        | Enos        | Judd       | Oakley     | Swain           |
| Baltz         | Fields      | Kennedy    | Osgood     | Tobey           |
| Beckwith      | Fort        | Kingsland  | Paige      | D. Tomkins      |
| Bemus         | Fowler      | Knapp      | Pell       | Tucker          |
| Bennett       | Goss        | Knettles   | Pierce     | A. L. Van Dusen |
| Blair         | Greenhalgh  | Lewis      | Preston    | W. J. Van Dusen |
| E. E. Brown   | Gregory     | Lincoln    | Prince     | Whitbeck        |
| Buckley       | Haight      | Lippitt    | Ray        | Whitaker        |
| Burns         | A. L. Hayes | G. D. Lord | Rose       | Woodward        |
| Burritt       | Healy       | Lott       | Sage       | Woolsey         |
| Campbell      | Herrick     | Loughran   | Shepardson | Yeomans         |
| Carroll       | A. Hill     | Lynde      | Simson     |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act making an appropriation for Sarah Wyatt, widow of Samuel Wyatt," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, two-thirds of all the members elected to the Assembly not voting in favor thereof.

{ AYES 79 }  
{ NOES 17 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alvord        | Eastman     | Jacobs     | Oakley     | Springsted      |
| D. L. Babcock | Enos        | Judd       | Osgood     | Squires         |
| I. H. Babcock | Fort        | Kennedy    | Paige      | Strahan         |
| Badeau        | Fowler      | Kingsland  | Pell       | Swain           |
| Beckwith      | Frear       | Knapp      | Pierce     | Tilden          |
| Bemus         | Goss        | Lincoln    | Preston    | D. Tomkins      |
| Bennett       | Greenhalgh  | Lippitt    | Prince     | Tucker          |
| Buckley       | Haight      | G. D. Lord | Rose       | A. L. Van Dusen |
| Burns         | Hawkins     | Lott       | Sage       | W. J. Van Dusen |
| Burritt       | A. L. Hayes | Loughran   | Shepardson | Vedder          |
| Campbell      | Herrick     | Lynde      | Simson     | Whitbeck        |
| Carroll       | Holdridge   | Mackay     | Smiley     | Whitaker        |
| Chamberlain   | Houghton    | Marcy      | Smith      | Wiley           |
| Chambers      | Hungerford  | Moore      | Smyth      | Woolsey         |
| Cook          | Husted      | Moulton    | Sniper     | Yeomans         |
| Davidson      | Hyatt       | Murdock    | Speaker    |                 |

Those who voted in the negative, were

|             |          |           |          |       |
|-------------|----------|-----------|----------|-------|
| Aitken      | Couchman | J. Hayes  | Knettles | Ray   |
| Alberger    | Fields   | A. Hill   | Lewis    | Roche |
| Baltz       | Foley    | Hollister | Moseley  | Tobey |
| E. E. Brown | Gregory  |           |          |       |

When the name of Mr. I. D. Brown was called, he asked to be and was excused from voting.

Mr. Alvord moved to reconsider the vote by which said bill was lost, and that that motion lay on the table.



Mr Speaker put the question whether the House would agree to said motion to lay on the table, and it was determined in the affirmative.

The bill entitled "An act to repeal chapter 337 of the Laws of 1865, entitled 'An act to prevent manufacturers of fish guano and oil from emptying their refuse waters into the harbors and bays of Suffolk county,' passed April 8, 1865," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Aitken        | Chamberlain | A. Hill    | Mackay     | Speaker         |
| Alberger      | Chambers    | D. B. Hill | Marcy      | Springsted      |
| Alvord        | Cook        | Hollister  | Morton     | Squires         |
| D. L. Babcock | Couchman    | Houghton   | Moulton    | Strahan         |
| I. H. Babcock | Enos        | Hungerford | Murdock    | Swain           |
| Badeau        | Fields      | Hyatt      | Pell       | D. Tomkins      |
| Baltz         | Foley       | Jacobs     | Pierce     | Tucker          |
| Beckwith      | Fort        | Kennedy    | Preston    | A. L. Van Dusen |
| Bemus         | Fowler      | Knapp      | Prince     | W. J. Van Dusen |
| Bennett       | Goss        | Knottles   | Ray        | Wells           |
| E. E. Brown   | Greenhalgh  | Lewis      | Roche      | Whitbeck        |
| I. D. Brown   | Gregory     | Lincoln    | Shepardson | Whitaker        |
| Buckley       | Haight      | Lippitt    | Simson     | Wiley           |
| Burns         | Hawkins     | G. D. Lord | Smiley     | Woodward        |
| Burritt       | A. L. Hayes | Lott       | Smith      | Woolsey         |
| Campbell      | Healy       | Loughran   | Smyth      | Yeomans         |
| Carroll       | Herrick     | Lynde      |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to reorganize the local government of the city of New York," being announced for a third reading,

Mr. Fields moved to recommit said bill to the committee on the affairs of cities.

Pending the question on said motion,

Mr. Jacobs moved that the House now take a recess until 7 o'clock, and that the vote on the final passage of said bill be taken before the close of the evening session.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

And at 2 o'clock and 15 minutes the House took a recess until 7 o'clock.

## SEVEN O'CLOCK P. M.

The House again met, when

Mr. Speaker announced the question to be upon the motion of Mr. Fields to recommit the bill entitled "An act to reorganize the local government of the city of New York" to the committee on the affairs of cities.

Pending the debate upon said motion,

The private secretary of the Governor appeared in the Assembly chamber and presented a communication from the Governor in the words following :

EXECUTIVE CHAMBER, }  
ALBANY, February 27, 1872. }

*To the Assembly:*

I return, without approval, Assembly bill No. 50, entitled "An act for the extension of the Utica, Chenango and Cortland railroad."

The bill authorizes the Utica, Chenango and Cortland Railroad Company to extend its road from its present terminus to the Utica, Clinton and Binghamton railroad at Smith's Valley. The original route defined in the articles of association of this company, filed with the Secretary of State in 1870, was of the length of thirty-two miles.

The whole amount of capital stock subscribed was \$32,000, being the minimum required by the general railroad law of the State as a condition to the formation of the company and the undertaking of its enterprise. The extension provided for by this bill is, I am informed, fourteen miles in length. If the bill were allowed to become a law, the company would, as to the extension proposed, be specially exempted from the salutary provisions of the general railroad act, requiring a certain amount of capital per mile to be subscribed before such associations assume the important privileges conferred on them by that act.

I cannot, therefore, give the bill my approval unless it shall be so amended as to impose upon the company, in respect of their proposed extension, all the conditions which are imposed, and, as I think, wisely imposed, upon all companies by the general railroad law.

JOHN T. HOFFMAN,

On motion of Mr. Squires, said message was laid upon the table.

The House then resumed the consideration of the motion of Mr. Fields.

Debate was had thereon, when

Mr. Fields withdrew his motion.

Whereupon it was renewed by Mr. Foley.

Debate again ensuing,

Mr. Foley then withdrew the motion.

Thereupon said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 89 }  
{ NOES 28 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Alberger      | Flammer    | Hyatt      | Niles   | Springsted      |
| Alvord        | Fort       | Judd       | Osgood  | Squires         |
| D. L. Babcock | Fowler     | Kennedy    | Paige   | Strahan         |
| I. H. Babcock | Geib       | Kingsland  | Pell    | Swain           |
| Badeau        | Goring     | Knapp      | Pierce  | Tobey           |
| Baltz         | Goss       | Knettles   | Preston | D. Tomkins      |
| Beckwith      | Green      | Lewis      | Prince  | Tucker          |
| Bemus         | Greenhalgh | Lincoln    | Rice    | Twombly         |
| Bennett       | Gregory    | Lippitt    | Rose    | A. L. Van Dusen |
| Berri         | Haight     | G. P. Lord | Sage    | W. J. Van Dusen |

|             |             |         |            |          |
|-------------|-------------|---------|------------|----------|
| E. E. Brown | Hawkins     | Lott    | Shepardson | Vedder   |
| I. D. Brown | A. L. Hayes | Lynde   | Simson     | Wells    |
| Burns       | Herrick     | Mackay  | Smiley     | White    |
| Burritt     | Holdridge   | Marcy   | Smith      | Whitaker |
| Crandall    | Hollister   | Moore   | Smyth      | Woodward |
| Davidson    | Houghton    | Morton  | Sniper     | Woolsey  |
| Eastman     | Hungerford  | Moulton | Snyder     | Yeomans  |
| Enos        | Husted      | Murdock | Speaker    |          |

Those who voted in the negative, were

|             |          |            |            |          |
|-------------|----------|------------|------------|----------|
| Aitken      | Chambers | Haughton   | G. D. Lord | Ray      |
| Blair       | Cook     | J. Hayes   | Loughran   | Roche    |
| Buckley     | Couchman | Healy      | Moseley    | Tilden   |
| Campbell    | Dunphy   | A. Hill    | Mosher     | Whitbeck |
| Carroll     | Fields   | D. B. Hill | Oakley     | Wiley    |
| Chamberlain | Foley    | Jacobs     |            |          |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate returned the bill entitled "An act to amend an act entitled 'An act to amend the several acts incorporating the village of Weedsport, in the county of Cayuga,' passed April 7, 1857," with a message that they had reconsidered the vote by which said bill was passed, and concurred in the amendment made thereto by the Assembly.

*Ordered*, That the Clerk return said bill to the Senate.

On motion of Mr. Alberger, at 10 o'clock and 5 minutes, the House adjourned.

## WEDNESDAY, FEBRUARY 28, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Harrower.

The journal of yesterday was read and approved.

The Senate returned the bill entitled "An act to incorporate the Onondaga County Milk Association," with a message that they had concurred in the passage of the same, with the following amendments:

Section 7, engrossed bill, strike out all of said section after the word "corporation" in line 5.

Section 10, line 4, after the word "milk" at the end of the line, insert the word "impure."

Line 8, same section, strike out the word "punished" and insert the word "punishable."

Same line, after the word "fine" insert the words "of said corporation for each offense."

Same section, line 9, strike out all after the word "dollars" down to and including the word "imprisonment" in line 11.

Same section, line 15, strike out the words "or adulterated" and after the word "impure" insert the word "diluted."

Insert as section 11, as follows, and change section 11 to section 12.

"§ 11. Such corporation shall possess the powers and be subject to the liabilities prescribed by the 3d title of the 18th chapter of the 1st part of the Revised Statutes."



The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Cook        | Houghton   | Moore      | Smith           |
| Aitken        | Couchman    | Hungerford | Morton     | Sniper          |
| Alberger      | Crandall    | Jacobs     | Moseley    | Speaker         |
| Alvord        | Davidson    | Judd       | Moulton    | Squires         |
| I. H. Babcock | Flammer     | Kennedy    | Murdock    | Swain           |
| Badeau        | Foley       | Kingsland  | Osgood     | Tobey           |
| Beckwith      | Fort        | Knapp      | Pell       | M. M. Tompkins  |
| Bemus         | Fowler      | Lewis      | Pierce     | A. L. Van Dusen |
| Bennett       | Goss        | Lincoln    | Preston    | W. J. Van Dusen |
| Berri         | Green       | Lippitt    | Prince     | Wells           |
| I. D. Brown   | Gregory     | G. D. Lord | Ray        | West            |
| Buckley       | Haughton    | G. P. Lord | Rice       | White           |
| Burns         | A. L. Hayes | Lott       | Sage       | Wiley           |
| Campbell      | Healy       | Loughran   | Shepardson | Woodward        |
| Carroll       | Herrick     | Lynde      | Simson     | Woolsey         |
| Chamberlain   | Holdridge   | Mackay     | Smiley     | Yeomans         |
| Chambers      | Hollister   | Marcy      |            |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to authorize the Harlem and New York Navigation Company to issue bonds and to mortgage its real estate to secure the payment of the same," with a message that they had concurred in the passage of the same with the following amendment:

Section 1, line 6, strike out the words "a majority," and insert the words "two-thirds."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 88 }  
{ NOES 00 }

Those who voted for the affirmative, were

|               |          |            |            |                 |
|---------------|----------|------------|------------|-----------------|
| Abbott        | Chambers | Herrick    | Lynde      | Smiley          |
| Aitken        | Cook     | A. Hill    | Mackay     | Smith           |
| Alberger      | Couchman | Holdridge  | Marcy      | Sniper          |
| Alvord        | Crandall | Hollister  | Moore      | Speaker         |
| I. H. Babcock | Davidson | Houghton   | Morton     | Swain           |
| Badeau        | Eastman  | Hungerford | Moseley    | Tobey           |
| Beckwith      | Flammer  | Husted     | Moulton    | D. Tomkins      |
| Bemus         | Fort     | Jacobs     | Osgood     | M. M. Tompkins  |
| Bennett       | Fowler   | Judd       | Pell       | Tucker          |
| Blair         | Geib     | Kennedy    | Pierce     | A. L. Van Dusen |
| E. E. Brown   | Goring   | Kingsland  | Preston    | W. J. Van Dusen |
| I. D. Brown   | Goss     | Knapp      | Prince     | Wells           |
| Buckley       | Green    | Lewis      | Ray        | West            |
| Burns         | Gregory  | Lincoln    | Rice       | White           |
| Burritt       | Haight   | Lippitt    | Sage       | Woodward        |
| Campbell      | Haughton | G. D. Lord | Shepardson | Woolsey         |
| Carroll       | Hawkins  | Lott       | Simson     | Yeomans         |
| Chamberlain   | Healy    | Loughran   |            |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act to enable the board of education of the village of Salem to borrow, or raise by tax, money for school purposes, and to provide for the payment thereof, with interest, if borrowed, by tax on said village," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

"An act to amend an act entitled 'An act to authorize the construction and use of a railroad from the southerly side of Newtown creek, in the city of Brooklyn, to the village of Astoria, and through certain streets of said village,' passed May 5, 1863," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to authorize the surrogate of Albany county to issue letters of administration of the personal estate which was of Charles D. Mills, deceased, to his widow Elizabeth P. Mills," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The Senate returned the bill entitled as follows:

"An act to amend an act entitled 'An act to amend the several acts incorporating the village of Weedsport, in the county of Cayuga,' passed April 7, 1857."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Senate returned the Assembly bill entitled "An act to amend an act entitled 'An act to authorize the trustees of the village of Ellenville to borrow money for the purpose of introducing water into the village, and to control and regulate the use of the same,' passed April 5, 1866, and supplemental thereto," with a message that they had reconsidered the vote on the final passage of said bill, and concurred in the amendments made thereto by the Assembly.

*Ordered*, That the Clerk return said bill to the Senate.

The Senate returned the following entitled bills, with a message that they had passed the same:

"An act to amend an act entitled 'An act to authorize the Watervliet Turnpike Company to construct and maintain a railroad on their present road, and to extend the same into and through the village of West Troy and Cohoes and the town of Watervliet and the city of Albany to increase the capital stock, and to alter their corporate name,' passed April 15, 1862, by increasing the capital stock of the company for the purpose of paying the outstanding bonds thereof."

"An act to extend the time for collection of taxes in the city of Oswego."

"An act to authorize the extension of the time for the collection of taxes in the town of Moriah, Essex county."

*Ordered*, That the Clerk deliver said bills to the Governor.

Messrs. Niles, Houghton, and Pell presented several petitions of citizens from different parts of the State asking the exemption of bonds and mortgages from taxation; which were read and referred to the committee on ways and means.

Mr. Fort presented two petitions of citizens of Sandy Creek, Oswego county, for a law authorizing voters of counties, towns or wards to pro-

hibit the sale of intoxicating liquors or the passage of "the Ohio liquor law;" which were read and referred to the committee on internal affairs.

Messrs. Kingsland, Woolsey, and Hart presented several petitions of citizens from different parts of the State in favor of local prohibition; which were read and referred to the committee on internal affairs.

Messrs. Goring, Crandall, Murdock, Pell, Preston, and A. L. Van Dusen presented several petitions of citizens of different parts of the State for a reduction of railroad fares and freights on the railroads of this State; which were read and referred to the committee on railroads.

Mr. Hart presented two petitions from the tax-payers of Kendall and Carlton, Orleans county, for the passage of Senate bill No. 20; which were read and referred to the committee on railroads.

Mr. Davidson presented a remonstrance of Marvin Trall and twelve others, supervisors of the county of Wyoming, against legislative interference in the management of the affairs of the Erie railway; which was read and referred to the committee on railroads.

Mr. Tucker presented two petitions of citizens of Otsego county for repeal of classification act to provide for a new election of directors of Erie railway; which were read and referred to the committee on railroads.

Messrs. Fowler, Murdock, Smyth, Knettles, Wells, Vedder, Yeomans, Whitaker, Davidson, Wiley, Simson, Chambers, Lincoln, A. Hill, Kennedy, Abbott, D. B. Hill, Woolsey, Chamberlain, Gregory, Houghton, Preston, D. Tompkins, Snyder, Crandall, Holdridge, Lewis, I. H. Babcock, Baltz, Mackay and Swain presented 133 remonstrances against the repeal of the classification act, and against legislative interference with the management of the Erie railway; which were read and referred to the committee on railroads.

Mr. Smiley presented a petition asking for an appropriation to complete Parker's Landing bridge over Black River canal; which was read and referred to the committee on canals.

Mr. Bennett presented resolutions of the Kings county board of supervisors in favor of ferry reform in Brooklyn, eastern district; which were read and committed to the committee of the whole.

Mr. Carroll presented two remonstrances of the fire department of Camden and Rome, against the passage of any law having for its object the exemption of foreign insurance companies doing business in this State from the payment of a per centage for the benefit of firemen; which were read and referred to the committee on insurance.

Mr. Moulton presented a petition of Thomas Crimmins, Charles W. Allcot, Christian Metzgar and many others, property owners and residents of New York, in relation to certain railroad abuses on Fourth avenue, praying for relief; which was read and referred to the committee on railroads.

Messrs. Simson, Alberger, Baltz and Holdridge, severally, presented petitions of citizens of the State, for the removal of the State dam at Tonawanda; which was read and referred to the committee on canals.

Mr. Fort presented four petitions of citizens of Oswego county, praying for the repeal of chapter 916 of the Laws of 1869, providing for classification of directors of railroad companies, and for a law for an election of a new board of directors of the Erie Railroad Company; which were read and referred to the committee on railroads.

Mr. White presented the petition of owners of property on Third avenue, in the city of New York, in favor of an elevated railway on



said avenue for rapid transit; which was read and referred to the committee on railroads.

Messrs. Lott and Lincoln presented several petitions in favor of the repeal of the railroad bonding law; which were read and referred to the committee on railroads.

Mr. Springsted presented the remonstrance of the tax-payers of Guilderland, Albany county, against dividing said town and annexing a portion thereof to the county of Schenectady; which was read and referred to the committee on civil divisions.

Also, a petition for a supervisor at large in Albany county; which was read and referred to the committee on internal affairs.

Mr. D. L. Babcock presented a petition to reorganize the board of assessors of the city of Albany; which was read and referred to the committee on the affairs of cities.

Mr. Kingsland presented the petition of Thorne & Watson for relief; which was read and referred to the committee on ways and means.

Mr. Pell presented a petition of John McClave and others in favor of the opening of streets and avenues in the city of New York by one commission and at nominal charge; which was read and referred to the committee on the affairs of cities.

Mr. Hyatt presented a petition of W. W. Watkins and two hundred others, citizens of Madison county, in favor of a prohibitory liquor law; which was read and referred to the committee on internal affairs.

Mr. Green presented three remonstrances against the repeal of chapter 808 of the Laws of 1870 in regard to bridges over the Oswego, Oneida, and Salmon rivers; which were read and referred to the committee on roads and bridges.

Messrs. Loughran and Vedder presented several petitions praying for an increase of the Literature Fund; which were read and referred to the committee on public education.

Mr. Kennedy presented a petition of the president, trustees, and residents of the village of Geneseo, Livingston county, praying for a revision of the charter of said village; which was read and referred to the committee on the affairs of villages.

Mr. Moulton presented a petition of Adams' Express Company, John Griffiths, Stokes, Taylor & Co., Spafford Brothers & Co., and two hundred and eighty-three others, persons and firms of New York, praying for the sale and removal of Washington and West Washington markets, now located in the lower portion of said city; which was read and referred to the committee on the affairs of cities.

Mr. Judd presented a petition of citizens of Staten Island asking for Metropolitan police; which was read and referred to the committee on internal affairs.

Mr. Husted presented a petition of the society of Friends for abolition of the death penalty; which was read and referred to the committee on the judiciary.

Mr. Hart presented a remonstrance against the Niagara ship canal; which was read and committed to the committee of the whole.

Mr. Judd presented a petition of residents of Staten Island, for the building of a bridge at Mallett's Mills; which was read and referred to the committee on roads and bridges.

Mr. Murdock presented a petition of citizens of Steuben county to repeal chapter 907 of the Laws of 1869, known as 'Town Bonding Law;' which was read and referred to the committee on railroads.

Mr. Marcy presented a petition of Shinecock Indians, of the county of Suffolk, for the repeal of chapter 46 of the Laws of 1859; which was read and referred to the committee on the judiciary.

Also, a petition for an appropriation for the improvement of the navigation of the tributaries of the Great South Bay, Suffolk county; which was read and referred to the committee on commerce and navigation.

Mr. Goss presented two petitions of ten supervisors and of the Farmers' Club of Monroe county, for a reduction of the fees of the treasurer and clerk in said county; which were read and referred to the committee on the judiciary.

Mr. Mosher presented two remonstrances of citizens of the town of Watervliet, county of Albany, against the passage of an act entitled "An act for the construction of a boulevard through the town of Watervliet," which were read and referred to the committee on the affairs of cities.

Mr. Judd presented a petition of the New York ship masters and ship owners asking for an investigation of the abuses and extortions practised by the board of pilot commissioners; which was read and referred to the committee on commerce and navigation.

Mr. Eastman presented a petition of the consistories of the 1st and 2d Reformed churches of Poughkeepsie, in regard to the conveyance of real estate; which was read and referred to the committee on charitable and religious societies.

Mr. Campbell presented a petition of citizens of New York for better quality of gas in the city of New York; which was read and referred to the committee on trade and manufactures.

Mr. A. Hill presented a petition of Newton Chase and seventy others, in relation to military exemption; which was read and referred to the committee on militia.

Mr. Foley presented two petitions for the improvement of the West river; which were read and referred to the committee on ways and means.

Mr. Chambers presented a remonstrance of the tax-payers of the town of West Seneca, in Erie county, against building a bridge in said town; which was read and referred to the committee on roads and bridge.

Mr. Foley presented a petition of Abner Baker and John Byron Baker, praying for compensation for damages sustained in navigating the Erie canal; which was read and referred to the committee on claims.

Mr. Bennett presented two petitions relative to making a certain bridge over Newtown creek free; which were read and referred to the committee on roads and bridges.

Mr. Bennett then moved to reconsider the vote by which the adverse report of the committee on roads and bridges on the bill entitled "An act to make free to public use, a certain bridge and road in the city of Brooklyn, in Kings county, and in Newtown, Queens county, and provide compensation therefor," was agreed to.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Bennett then moved that said bill be recommitted to the committee on roads and bridges.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Squires, from the committee on banks, to which was referred the bill entitled "An act to incorporate the Mutual Trust Institution of the



city of New York," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Woolsey, from the committee on claims, to which was referred the bill entitled "An act in relation to the filing of certain claims of Nicholas Shaub, Charles Shults, William Hilman, John Kretsel, Christian Deidrich, Jacob Nagle, George Goodnough, Betts and Ayer, Joseph Helman, John Kippert, Frederick Rodenz, Charles Diedrich, Jr., Frederick Diedrich, John Rabbug, Theodore Hartlaban, John Henning, John Brensing, Charles Diedrich, Sr., Joseph Bliss and Thomas J. Collins," reported in writing and in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

(See Doc. No. 73.)

Mr. Woolsey, from the committee on claims, to which was referred the bill entitled "An act for the relief of the town of Perrinton, in the county of Monroe," reported in writing and in favor of the passage of the same, with amendments; which report was agreed to and said bill committed to the committee of the whole.

(See Doc. No. 74.)

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to incorporate the city of Kingston," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the city of Newburgh,' passed April 22, 1865, and of the several acts amendatory thereof," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend chapter 39 of the Laws of 1867, entitled 'An act to amend an act entitled An act to incorporate the city of Elmira,' passed April 7, 1864, and the acts amendatory thereof, passed February 16, 1867," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act for the relief of Alexander Taylor and Halsey W. Knapp, executors of Geo. W. Miller, deceased," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the Senate bill entitled "An act to amend an act entitled 'An act to incorporate the city of Cohoes,' passed May 19, 1869, and the act amendatory of the same, passed May 11, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Mosher moved that said bill be considered in the first committee of the whole.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.



Mr. Morton, from the committee on the affairs of cities, to which was referred the bill entitled "An act to create a department of city works in the city of Brooklyn, and to abolish the permanent board of water and sewerage commissioners in said city," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on affairs of villages, to which was referred the bill entitled "An act to authorize the village of Greenbush to issue bonds for the purpose of raising money," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to provide for laying out and improving roads and avenues in the village and town of Saratoga Springs,' passed May 5, 1870," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on affairs of villages, to which was referred the bill entitled "An act entitled 'An act for the completion and furnishing of the town hall at Saratoga Springs,'" reported in favor of the passage of the same, and have amended the title so as to read as follows: "An act to authorize the town auditors of the town of Saratoga Springs to issue bonds for the completion of and furnishing the town hall at Saratoga Springs;" which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend chapter 453 of the Laws of 1869, entitled 'An act to incorporate the village of Chateaugay, in the county of Franklin,'" reported in favor of the passage of the same, and have amended the title so as to read as follows: "An act to amend an act entitled 'An act to incorporate the village of Chateaugay, in the county of Franklin,' chapter 453, Laws of 1869, and an act amendatory thereof, passed April 27, 1870;" which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act entitled 'An act in relation to the establishment and care of a cemetery by the village of Geneva, Ontario county, and to provide means for the same,'" reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Yeomans, from the committee on agriculture, to which was referred the bill entitled "An act in relation to weights and tares on packages containing butter," reported adversely thereto; which report was agreed to.

Mr. Yeomans, from the committee on agriculture, reported a bill entitled "An act to authorize the formation of driving park and agricul-

tural associations," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Hyatt, from the committee on the expenditures of the House, to which was referred the resolution of Mr. Herrick for the purchase of copies of the Holy Bible for the Assembly Library, reported in favor of the adoption of the following resolution :

*Resolved*, That the Clerk of the Assembly be directed to purchase two copies of the Holy Bible, to be deposited in the Assembly Library.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Hyatt, from the committee on the expenditures of the House, to which was referred the resolution of Mr. Husted for printing of the Clerk's Manual, reported in favor of the adoption of the following resolution :

*Resolved*, That 500 copies of the Clerk's Manual be printed, under the direction of the Clerk, with the amended joint and Assembly rules therein, for the use of the Assembly.

Mr. Husted moved to amend said resolution by inserting after the word "resolved," the words "if the Senate concur."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Smiley moved to amend said resolution by adding at the end thereof the words "at a price not exceeding one dollar per copy."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said resolution as amended, and it was determined in the affirmative, a majority of all the members present voting in favor thereof.

{ AYES 87 }  
{ NOES 7 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Chamberlain | Healy      | Lott       | Smiley          |
| Aitken        | Cook        | Herrick    | Loughran   | Sniper          |
| Alberger      | Couchman    | A. Hill    | Mackay     | Snyder          |
| Alvord        | Crandall    | Holdridge  | Marcy      | Squires         |
| D. L. Babcock | Davidson    | Hollister  | Moore      | Strahan         |
| I. H. Babcock | Eastman     | Houghton   | Morton     | Swain           |
| Badeau        | Flammer     | Hungerford | Mosher     | Tilden          |
| Beckwith      | Foley       | Husted     | Moulton    | Tobey           |
| Bemus         | Fort        | Jacobs     | Murdock    | Tucker          |
| Bennett       | Fowler      | Judd       | Niles      | A. L. Van Dusen |
| Berri         | Geib        | Kennedy    | Pell       | W. J. Van Dusen |
| Blair         | Goring      | Kingsland  | Pierce     | Wells           |
| E. E. Brown   | Goss        | Knapp      | Prince     | West            |
| I. D. Brown   | Green       | Lewis      | Ray        | White           |
| Buckley       | Gregory     | Lincoln    | Rice       | Wiley           |
| Burns         | Haight      | G. D. Lord | Sage       | Woolsey         |
| Burritt       | Haughton    | G. P. Lord | Shepardson | Yeomans         |
| Carroll       | J. Hayes    |            |            |                 |

Those who voted in the negative, were

|         |        |        |         |          |
|---------|--------|--------|---------|----------|
| Hyatt   | Osgood | Simson | Speaker | Woodward |
| Lippitt | Roche  |        |         |          |

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the election of an additional justice of the peace in the town of Sodus in the county of Wayne," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to amend part one, chapter eleven, title three, article two, section forty-three, of the Revised Statutes, in relation to constables," reported in favor of the passage of the same with amendments, and title amended so as to read "An act to amend part one, chapter eleven, title three, article two, section forty-three, of the Revised Statutes, in relation to constables," which report was agreed to and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for the election of a fifth justice of the peace in the town of Richland, in and for the county of Oswego, and for the future election of five justices of the peace of said town," reported in favor of the passage of the same with amendments; which report was agreed to and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act relative to the manner of conducting, and voting at, primary elections in the several cities of this State," reported the same for the consideration of the House, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the Senate bill entitled "An act to amend an act entitled 'An act requiring mortgages of personal property to be filed in the town clerk's and other offices,'" passed April 29, 1833; and also to amend chapter 412 of the Laws of 1864, being an act to amend an act entitled "An act to provide for the registry of liens and encumbrances upon boats navigating canals in this State," passed April 15, 1858, reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Niles, from the committee on the judiciary, to which was referred the bill entitled "An act to create a police and civil justice in the town of Morrisania, in the county of Westchester," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince dissented from said report.

Mr. Speaker presented a communication from the Superintendent of the Insurance Department; which was laid on the table and ordered printed.

(*See Doc. No. 72.*)

Mr. G. D. Lord moved to take from the table the motion to reconsider the vote by which the bill entitled "An act in relation to the location and erection of public buildings for the use of the city of Rochester," was lost.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. G. D. Lord then moved to reconsider the vote by which said bill was lost.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority



of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                |
|---------------|-------------|------------|------------|----------------|
| Abbott        | Crandall    | Hungerford | Moseley    | Smith          |
| Aitken        | Eastman     | Hyatt      | Mosher     | Snyder         |
| Alberger      | Flammer     | Jacobs     | Murdock    | Speaker        |
| Alvord        | Foley       | Judd       | Niles      | Springsted     |
| I. H. Babcock | Fort        | Knapp      | Osgood     | Squires        |
| Badeau        | Geib        | Lewis      | Pell       | Swain          |
| Beckwith      | Goring      | Lincoln    | Pierce     | Tobey          |
| Blair         | Gregory     | Lippitt    | Preston    | D. Tomkins     |
| E. E. Brown   | Hawkins     | G. D. Lord | Ray        | M. M. Tompkins |
| Buckley       | A. L. Hayes | G. P. Lord | Rice       | Tucker         |
| Burns         | J. Hayes    | Loughran   | Roche      | Wells          |
| Burritt       | Healy       | Lynde      | Rose       | West           |
| Carroll       | Herrick     | Mackay     | Sage       | White          |
| Chamberlain   | Holdridge   | Marcy      | Shepardson | Whitaker       |
| Chambers      | Hollister   | Moore      | Simson     | Wiley          |
| Cook          | Houghton    | Morton     | Smiley     | Yeomans        |
| Couchman      |             |            |            |                |

On motion of Mr. Burritt, and by unanimous consent, said bill was amended as follows:

Section 2, line 18, strike out the words "remaining members of said commissioners" and insert the words "mayor of said city."

Section 10, line 2, strike out the words "five hundred thousand dollars" and insert the words "two hundred and fifty thousand dollars."

Said bill, as amend, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 14 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Cook       | Hungerford | Mosher     | Springsted      |
| Aitken        | Couchman   | Husted     | Moulton    | Squires         |
| Alberger      | Crandall   | Hyatt      | Murdock    | Strahan         |
| I. H. Babcock | Davidson   | Jacobs     | Oakley     | Swain           |
| Badeau        | Eastman    | Kennedy    | Osgood     | Tobey           |
| Baltz         | Flammer    | Kingsland  | Paige      | D. Tomkins      |
| Beckwith      | Foley      | Knapp      | Pell       | M. M. Tompkins  |
| Bennett       | Geib       | Lippitt    | Pierce     | Tucker          |
| Blair         | Gregory    | G. D. Lord | Preston    | A. L. Van Dusen |
| E. E. Brown   | Hawkins    | G. P. Lord | Ray        | W. J. Van Dusen |
| Buckley       | Healy      | Lott       | Roche      | West            |
| Burns         | Herrick    | Loughran   | Shepardson | White           |
| Burritt       | A. Hill    | Lynde      | Simson     | Whitaker        |
| Campbell      | D. B. Hill | Mackay     | Smith      | Wiley           |
| Carroll       | Holdridge  | Marcy      | Smyth      | Woolsey         |
| Chamberlain   | Hollister  | Morton     | Snyder     | Yeomans         |
| Chambers      | Houghton   | Moseley    | Speaker    |                 |

Those who voted in the negative, were

|        |        |         |        |          |
|--------|--------|---------|--------|----------|
| Alvord | Goring | Lincoln | Rose   | Wells    |
| Fort   | Green  | Moore   | Sage   | Woodward |
| Fowler | Lewis  | Prince  | Sniper |          |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to incorporate the Manhattan Accommodation Company," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof.

{ AYES 35 }  
{ NOES 59 }

Those who voted in the affirmative, were

|          |            |            |         |                 |
|----------|------------|------------|---------|-----------------|
| Aitken   | Eastman    | Hyatt      | Marcy   | Smyth           |
| Baltz    | Flammer    | Jacobs     | Moseley | Speaker         |
| Bennett  | Foley      | Judd       | Mosher  | Strahan         |
| Berri    | Goring     | Kingsland  | Oakley  | A. L. Van Dusen |
| Carroll  | D. B. Hill | G. D. Lord | Pell    | West            |
| Couchman | Houghton   | Loughran   | Simson  | White           |
| Crandall | Husted     | Mackay     | Smith   | Yeomans         |

Those who voted in the negative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Geib        | Hungerford | Murdock    | Snyder          |
| Alvord        | Green       | Kennedy    | Osgood     | Springsted      |
| I. H. Babcock | Gregory     | Knapp      | Paige      | Squires         |
| Blair         | Haughton    | Lewis      | Pierce     | Swain           |
| E. E. Brown   | Hawkins     | Lincoln    | Preston    | D. Tomkins      |
| Buckley       | A. L. Hayes | Lippitt    | Ray        | M. M. Tompkins  |
| Campbell      | J. Hayes    | G. P. Lord | Roche      | Tucker          |
| Chambers      | Healy       | Lott       | Rose       | W. J. Van Dusen |
| Cook          | Herrick     | Lynde      | Sage       | Wells           |
| Davidson      | A. Hill     | Moore      | Shepardson | Whitaker        |
| Dunphy        | Holdridge   | Morton     | Smiley     | Woodward        |
| Fort          | Hollister   | Moulton    | Sniper     |                 |

Mr. Husted moved to reconsider said vote, and that that motion lay on the table.

Mr. Speaker put the question whether the House would agree to said motion to lay on the table, and it was determined in the affirmative.

Mr. D. B. Hill introduced a bill entitled "An act concerning crimes, their punishment, and proceedings in criminal cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Eastman introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the Poughkeepsie Female Guardian Society,' passed April 15, 1852," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Also, a bill entitled "An act to confirm a deed from the consistory of the Reformed Dutch Church of Poughkeepsie to the consistory of the Second Reformed Dutch Church of Poughkeepsie," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Chambers introduced a bill entitled "An act to authorize the town of West Seneca, in the county of Erie, to raise money to build a bridge and stone abutments across the Cazenovia creek, near the house of Henry Herrmans, and for that purpose to issue its bonds," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Alberger introduced a bill entitled "An act to legalize certain proceedings of the common council of the city of Buffalo, and for the relief of Frederick Haake," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to authorize the city of Buffalo and the board of supervisors of Erie county to grant and convey to the Union Hotel Company certain lands in the city of Buffalo," which was read the first time, and by unanimous consent, was also read the second time, and referred to the committee on the affairs of cities.

Mr. Tobey introduced a bill entitled "An act for the relief of the Lake Champlain and Moriah Railroad Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act to improve the West river, and its tributaries," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act to amend an act entitled 'An act to facilitate the construction of railroads and tram-roads within the counties of Essex and Clinton, and to authorize the formation of companies therefor,' passed April 14, 1865," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Morton introduced a bill entitled "An act to create in the city of Brooklyn and county of Kings the department of public charities and correction, and to abolish the office of commissioners of charities of the county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to establish a department of police and health in and for the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act in relation to the fire department of the city of Brooklyn, and to reorganize the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act in relation to the board of excise in the city of Brooklyn, and to reorganize the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Aitken introduced a bill entitled "An act to amend 'An act to provide for the construction of a main and lateral drain or sewer in Navy street, Johnson street, and Hudson avenue and other streets and avenues in the city of Brooklyn,' passed April 6, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. White introduced a bill entitled "An act to enable life insurance companies to restore impaired reserve, and also to transfer their business," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

Mr. Bennett introduced a bill entitled "An act to erect an armory in Greenpoint, 17th ward, in the city of Brooklyn," which was read the



first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Jacobs introduced a bill entitled "An act granting to the West Shore Land and Improvement Company further powers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act in relation to the Brooklyn City and Newtown Railroad Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act to authorize the common council of the city of Brooklyn to open and improve Sanford street, from Myrtle avenue to Flushing avenue," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Moseley introduced a bill entitled "An act to change the name of the Brooklyn City, Hunter's Point and Prospect Park Railroad Company to the Cross-town Railroad Company of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Roche introduced a bill entitled "An act to amend an act entitled 'An act to authorize the consolidation of certain gas-light companies in the city of Brooklyn,' passed May 2, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trade and manufactures.

Also, a bill entitled "An act to incorporate the South Brooklyn Loan and Improvement Company," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on banks.

Mr. Goss introduced a bill entitled "An act in relation to the powers and duties of the board of supervisors of the county of Monroe," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act in relation to the highways and bridges of the State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Foley introduced a bill entitled "An act releasing the interest of the people of the State of New York in certain real estate to the Five Points' House of Industry," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Mr. Healey introduced a bill entitled "An act to prevent the sale of adulterated milk in the cities of New York and Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

Mr. Flammer introduced a bill entitled "An act to amend certain sections in the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to effectually abolish imprisonment for debt," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Geib introduced a bill entitled "An act to regulate the charges for the transportation of milk and milk-cans," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

Mr. Campbell introduced a bill entitled "An act to regulate the wharfage to be charged on floating grain elevators and canal boats in the cities of New York and Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Mackay introduced a bill entitled "An act to incorporate the Young Men's Universalist Association of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Paige introduced a bill entitled "An act relating to coroners in the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Alvord introduced a bill entitled "An act concerning the rate of interest," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Also, a bill entitled "An act authorizing the Canal Commissioners to settle for work done under the contract for raising towing-path on sections numbers 12, 13, 16, 22 and 23 of the extension of the Chenango canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Burns introduced a bill entitled "An act placing that portion of the Skaneateles and Elbridge plank-road lying between the village of Elbridge and Skaneateles junction, under the jurisdiction of the commissioners of highways of the town of Elbridge," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Fort introduced a bill entitled "An act to amend an act entitled 'An act to provide for the election of police commissioners for the city of Oswego, and to organize a police department therein, and to amend the charter of said city,' passed April 16, 1870, three-fifths being present," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to incorporate a railway company to construct a street railroad in the city and town of Oswego, in the county of Oswego," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Green introduced a bill entitled "An act to amend an act for the publication of the Session Laws in two newspapers in each county of this State," passed May 14, 1845," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Oakley introduced a bill entitled "An act to amend an act entitled 'An act to revise the charter of Long Island City,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act for the relief of the North Second Street and Middle Village Railroad Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act to incorporate the Astoria Savings Bank, of Long Island City," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Also, a bill entitled "An act supplemental to an act entitled 'An act to regulate and protect the planting of oysters in the public waters of the towns of Jamaica and Hempstead, in the county of Queens,' passed April 20, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Prince introduced a bill entitled "An act in relation to proceedings for the safe keeping and care of lunatics," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State charitable institutions.

Mr. Osgood introduced a bill entitled "An act to regulate the auditing of accounts by the boards of supervisors in the several counties of this State, and to authorize suits against said board," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Judd introduced a bill entitled "An act to extend the time for the collection of taxes in Richmond county," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Judd, and by unanimous consent said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 90 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Abbott        | Cook        | Houghton   | Marcy   | Smith           |
| Aitken        | Crandall    | Hungerford | Moore   | Smyth           |
| Alberger      | Davidson    | Husted     | Moseley | Speaker         |
| Alvord        | Dunphy      | Hyatt      | Mosher  | Springsted      |
| I. H. Babcock | Enos        | Jacobs     | Moulton | Strahan         |
| Badeau        | Flammer     | Judd       | Murdock | Swain           |
| Baltz         | Fowler      | Kennedy    | Niles   | Tobey           |
| Beckwith      | Geib        | Kingsland  | Oakley  | D. Tomkins      |
| Bemus         | Goss        | Knapp      | Osgood  | M. M. Tompkins  |
| Bennett       | Green       | Knettle    | Pell    | Tucker          |
| E. E. Brown   | Gregory     | Lewis      | Pierce  | A. L. Van Dusen |
| I. D. Brown   | Haughton    | Lincoln    | Preston | W. J. Van Dusen |
| Buckley       | Hawkins     | G. D. Lord | Prince  | Wells           |
| Burns         | A. L. Hayes | G. P. Lord | Rice    | White           |
| Burritt       | Healy       | Lott       | Roche   | Whitaker        |
| Campbell      | A. Hill     | Loughran   | Rose    | Woodward        |
| Carroll       | D. B. Hill  | Lynde      | Sage    | Woolsey         |
| Chambers      | Holdridge   | Mackay     | Simson  | Yeomans         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.



Also, a bill entitled "An act to provide suitable testimonials for each officer and soldier who served during the war of the rebellion," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the militia.

Mr. D. Tompkins introduced a bill entitled "An act entitled 'An act to amend an act to authorize the making and opening of a road or avenue from the intersection of the highway running east of Rockland Lake with the highway running from the lake to Rockland Lake Landing, in the county of Rockland, to intersect the highway running from Upper Piermont to Orangeburgh,' passed April 21, 1871, and to extend said Highland avenue to the State line," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Rose introduced a bill entitled "An act to amend section 33 of the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Moore introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the city of Ogdensburgh,' passed April 27, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Lynde introduced a bill entitled "An act legalizing the action of the town of Norfolk, St. Lawrence county, New York, in the purchase of a town hall and site," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Lott introduced a bill entitled "An act to amend section 2 of chapter 890 of the Laws of 1868, entitled "An act to authorize Lewis Runyon to establish and maintain a ferry across the Seneca Lake at Lodi Landing," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Buckley introduced a bill entitled "An act to provide for the defense of destitute persons charged with criminal offenses," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Wells introduced a bill entitled "An act to change the name of Martha Rosa Stopfel of Rose, Wayne county, New York, to Martha Rosa Dickson," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Niles introduced a bill entitled "An act to change the bulkhead and pierhead line or lines of solid filling, and the pier line in a part of the port of New York, in conformity with the map entitled 'Map of Water Fronts on East river, at Bushwick inlet, Brooklyn, E. D.,' made by R. Rosa, city surveyor, which was filed in the office of the Secretary of State on the 5th day of June, in the year 1865," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Also, a bill entitled "An act to authorize the formation of new corporations, to succeed to the franchises and property of corporations whose franchises and property have been sold by mortgage, judgment or decree,"

which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to facilitate the proof of incorporations in the courts of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Badeau introduced a bill entitled "An act to amend an act entitled 'An act to establish free schools in school district No. 4, in the town of East Chester, Westchester county,' passed June 8, 1853," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

Also, a bill entitled "An act to repeal an act entitled 'An act to provide for the erection of a town hall in the village of Mount Vernon, town of East Chester, county of Westchester,' passed April 4, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Husted introduced a bill entitled "An act to incorporate the New York Elevated Arched Railway Company for the purpose of providing rapid transit through the city and county of New York, and to provide for the construction and operation of a railway therefor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act to extend the time for the organization of the Mutual Fire Insurance Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

Mr. Davidson introduced a bill entitled "An act to authorize the board of education of school district No. 10, in the town of Warsaw, to erect a school building and to provide means for the payment thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

Mr. Carroll introduced a bill entitled "An act to amend chapter 616, of the Laws of 1865, entitled 'An act to amend chapter 131, of the Laws of 1860, entitled An act to amend section fifty-three of the Code of Procedure, and to extend the jurisdiction of justices' courts, and to provide for proceedings therein,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend an act entitled 'An act fixing the fees of justices of the peace and constables, in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes,' passed April 20, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. I. D. Brown introduced a bill entitled "An act to amend an act entitled 'An act to amend chapter 907 of the Laws of 1869, entitled An act to amend an act entitled An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850, so as to permit municipal corporations to aid in the construction of railroads; and also to amend chapter 507 of the Laws of 1870, entitled 'An act to define the powers of commissioners appointed under chapter 907 of the Laws of 1869, bonding municipalities to aid in the construction of railroads,' passed May 12, 1871," which was read the first time, and by unanimous



consent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act to authorize the Ira Union County Association to acquire title to certain lands and lots, numbers 12 and 24 of the original township of Cato, now Ira, in the county of Cayuga," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Marcy introduced a bill entitled "An act to change the time of the appointment of overseers of highways, and to define their duties, in the county of Suffolk," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act to abolish the office of 'the trustees of the freeholders and commonalty of the town of Huntington,' in the town of Huntington, county of Suffolk, and to create their successors," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act supplemental to an act entitled 'An act for the improvement of the navigation of the tributaries of the Great South Bay,' passed April 28, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Also, a bill entitled "An act to repeal chapter 46, Laws of 1859, entitled 'An act to enable the Shinecock tribe of Indians to exchange certain rights in lands, with the trustees of the proprietors of the common and undivided lands and marshes in the town of Southampton,' passed March 16, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on Indian affairs.

Mr. Simson introduced a bill entitled "An act to provide means for draining the sinks in the towns of Clarence and Amherst, in the county of Erie," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Mr. Bemus introduced a bill entitled "An act to incorporate the Quincey Rural Cemetery Association in the county of Hamilton," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Alberger introduced a bill entitled "An act extending the jurisdiction of the park commissioners of the city of Buffalo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Kennedy introduced a bill entitled "An act revising, amending and consolidating the charter of, and the several acts relating to the village of Geneseo, in the county of Livingston, modifying the powers of the corporation, and the duties of officers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Smiley offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That 1,000 copies of Assembly document No. 54 (being a list of boarding places of the members and officers of the Assembly) be printed for the use of the Assembly.



*Ordered*, That said resolution be referred to the committee on public printing.

On motion of Mr. Prince,

*Resolved*, That the testimony taken by the committee on the judiciary in the investigation of charges against certain judges in the city of New York, which is to form part of their report, be printed for the use of the Legislature.

Mr. Houghton offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That it be referred to the committee on public lands to investigate, ascertain and report to this House whether the sum of \$54,063.28, which was appropriated in the supply bill of 1871 to the county of Hamilton has been intercepted between the comptroller and the treasurer of the county, and the reasons therefor, with power to send for persons and papers.

Said resolution giving rise to debate,

*Ordered*, That the same be laid on the table.

Mr. I. H. Babcock offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That Augustus St. Clair, the regular correspondent of the Newburgh Telegraph, Hudson Register, Schenectady Star, and for other daily and weekly newspapers, be appointed an additional reporter in the Assembly.

On motion of Mr. I. H. Babcock, and by unanimous consent, rule 7 was suspended so as to consider said resolution at this time.

Mr. Speaker then put the question whether the House would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. Alberger,

*Resolved*, That Assembly bill entitled "An act to incorporate the Fire Island Hotel, and establish ferries across Fire Island or Great South Bay, in Suffolk county," be recommitted to the committee on commerce and navigation for the purpose of amendment, retaining its place on general orders.

Mr. Alberger offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That 500 extra copies of the financial report of the Auditor of the Canal Department be printed for the use of the Auditor.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Alberger gave notice that he would, at some future day, move to suspend the 37th rule in order that the bill entitled "An act to authorize the common council of the city of Buffalo, and board of supervisors, to grant and convey certain lands in the city of Buffalo," may be ordered to a third reading without being considered in the committee of the whole.

Mr. White offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That a map of the State of New York be purchased by the Clerk, at an expense not to exceed ten dollars, and hung in the rear of the Assembly chamber.

*Ordered*, That said resolution be referred to the committee on the expenditures of the House.

On motion of Mr. Houghton,

*Resolved*, That the bill this day reported in relation to opening certain avenues in Saratoga Springs, by the committee on the affairs of vil-

lages, be recommitted to said committee, in order that certain parties may be heard on the merits of the bill.

On motion of Mr. Houghton,

*Resolved*, That Assembly bill No. 247, general order 275, entitled "An act to incorporate the Troy, Lansingburgh and Cohoes Bridge Company, for the purpose of constructing and maintaining a bridge, appurtenances and approaches to the same, over the Hudson river, from some point on Van Schaick's Island, in the city of Cohoes, to some point in the village of Lansingburgh, south of Bolton's brewery, on said river," be recommitted to the committee on commerce and navigation, to retain its place on general orders.

Mr. Strahan, from the committee on privileges and elections, reported in words following:

(See Doc. No. 50.)

Mr. D. B. Hill moved that said report lay upon the table and be printed, and made a special order for Friday, at 12 o'clock M.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. D. B. Hill and Mr. Moseley dissented from said report, and asked leave to make a minority report, and that it be printed and considered at the same time with the majority report.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

On motion of Mr. Smith,

*Resolved*, That Assembly bill No. 58, entitled "An act to provide for raising by tax on the taxable property in the town of Kingsbury, Washington county, money to be applied toward the construction of a new court house in the village of Sandy Hill in said town," be again recommitted to the committee on internal affairs for amendment, retaining its place on general orders.

Mr. Haight offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the judiciary committee be instructed to investigate the department of the counsel to the corporation of New York, particularly the bureau of street openings, appointment and names of commissioners therefor, expenses of same and payments thereof, awards how made, and the names and duties of all persons connected therewith, during the whole term of office of the present incumbent.

Said resolution giving rise to debate,

*Ordered*, That the same be laid on the table.

On motion of Mr. Woolsey,

*Resolved*, That the petitions and papers on file relating to the claim of Aaron Schuyler be taken therefrom and referred to the committee on claims.

On motion of Mr. D. B. Hill,

*Resolved*, That Assembly bill, introductory No. 459, entitled "An act to amend the charter of the city of Elmira," be recommitted to the committee on the affairs of cities.

On motion of Mr. Judd,

*Whereas*, Charges and complaints have been made against the action of the harbor-masters and pilot commissioners of the port of New York, in their official capacity; therefore,

*Resolved*, That the committee on commerce and navigation be and hereby are authorized to investigate such charges and complaints, with power to send for persons and papers.

On motion of Mr. Prince, and by unanimous consent,

*Resolved*, That the time for the appointment of the sub-committee of the whole be extended to a date not later than the 16th day of March, 1872.

On motion of Mr. White,

*Resolved*, That Assembly bill No. 258, entitled "An act to incorporate the Exempt Firemen's Association of the western district of the city of Brooklyn," be recommitted to the committee on the affairs of cities, retaining its place on general orders.

On motion of Mr. Alvord, and by unanimous consent, the consideration of the report of the committee on ways and means on the capitol investigation was made a special order for Monday evening next.

Mr. Hawkins offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the keeper of the capitol be and he is hereby instructed to discontinue the fires in the furnaces by which the Assembly chamber is heated; and if artificial heat, in the future, shall become necessary, then to make wood fires in the fire-places on each side of the chamber; in addition thereto, if needed, to place a stove on the floor in front of the Clerk's desk.

Said resolution giving rise to debate,

*Ordered*, That the same be laid on the table.

Mr. Fort offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the judiciary committee be instructed to report a bill for the consideration of this House, repealing the act exempting the members of the National Guard from a certain amount of taxation; and that the State shall pay a proper compensation for service actually rendered to the State by such persons by reason of being members of such organization.

Said resolution giving rise to debate,

*Ordered*, That the same be laid on the table.

On motion of Mr. Woolsey, at 1 o'clock and 40 minutes, the House adjourned.

THURSDAY, FEBRUARY 29, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Harrower.

The journal of yesterday was read and approved.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act to regulate the practice of pharmacy and the sale of poisons in the city and county of New York," which was read the first time,



and by unanimous consent was also read the second time, and referred to the committee on public health.

"An act reappropriating a certain portion of the income of the United States Deposit Fund for the benefit of Academies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

"An act to allow the town of Bethany, Genesee county, to raise an increased amount of money for the support of roads and bridges in said town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to incorporate the Safe Deposit and Trust Company of Auburn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act to authorize the agent and warden of the Auburn prison to sell certain lands belonging to the State," was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

"An act to amend an act entitled 'An act to revise the charter of the city of Auburn,' passed April 22, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. A. L. Van Dusen, from the committee on engrossed bills, reported as correctly engrossed the bill (passed February 28th), entitled as follows: "An act to extend the time for the collection of taxes in Richmond county."

Also, that they have compared the bill entitled "Act to incorporate the Onondaga county Milk Association," and find the same correctly re-engrossed."

The Senate returned the concurrent resolutions, relative to an amendment to joint rule No. 5, with a message that they had passed the same without amendment.

A message from the Senate was received and read, informing of concurrence in the passage of the following entitled bills:

"An act to repeal section forty-three of chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871."

"An act to amend chapter 148 of the Laws of 1867, entitled 'An act to amend an act to consolidate and amend the several acts incorporating or relating to the village of Skaneateles,' passed April 16, 1857; passed March 25, 1867."

"An act to amend an act entitled 'An act requiring the highway tax of the New York Central Railroad Company through the town of Mentz to be applied to the repairs of certain highways in the said town,' passed April 2, 1862."

"An act to authorize the city of Oswego to convey by deed certain land in said city."

"An act to establish the rates of toll on the Western plank-road in the counties of Franklin and Clinton."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate returned the bills entitled as follows:

"An act to incorporate the Onondaga County Milk Association."

"An act to authorize the Harlem and New York Navigation Company

to issue bonds and to mortgage its real estate to secure the payment of the same."

"An act to amend an act entitled 'An act to authorize the trustees of the village of Ellenville to borrow money for the purpose of introducing water into the village, and to control and regulate the use of the same,' passed April 5, 1866, and supplemental thereto.

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate returned the bill entitled as follows:

"An act to amend chapter 156 of the Laws of 1868, entitled 'An act to incorporate the village of Greenport, Suffolk county.'"

*Ordered*, That the Clerk return said bill to the Senate.

Mr. Speaker presented a communication from the Governor, transmitting the annual report of the treasurer of the Sailors' Snug Harbor of the city of New York; which was laid on the table and ordered printed.

(See Doc. No. 76.)

By unanimous consent, Mr. Twombly introduced a bill entitled "An act to incorporate the Palmer Elevated Railway Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

This being the day assigned by the rules for the consideration of general orders,

On motion of Mr. Alvord,

*Resolved*, That Assembly bill No. 198, general order 220, entitled "An act making appropriations for the support of government," be recommitted to the committee on ways and means, retaining its place on the general orders.

Mr. Husted offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That general order 223, entitled "An act to amend chapter 12, of the Laws of 1872, entitled 'An act prescribing the officers and employes that may be elected, appointed, or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof,'" be considered in the first committee of the whole not full.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Prince offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the bill entitled "An act to provide for the payment of certain officers and employes of the Senate and Assembly, for their services," be considered in the first committee of the whole, not full.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Osgood offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the bill entitled "An act to amend an act passed May 3, 1870, entitled 'An act to incorporate the city of Troy,' passed April 12, 1816, and the several acts amendatory thereto, and also to amend other acts relating to the city of Troy," be considered in the first committee of the whole, not full.

Mr. Speaker put the question whether the House would agree to said

resolution, and it was determined in the negative, two-thirds of all the members present not voting in favor thereof.

Mr. Speaker announced that the House would proceed in committee of the whole to the consideration of the unfinished business of the committee of the whole at the time of the dissolving of said committee in the absence of a quorum, being the bills entitled as follows:

Senate, "An act to release the interest of the people of the State of New York in and to certain lands in Oneida county to George A. Reynolds."

"An act to incorporate the Moose River Improvement Company."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Mackay, from said committee, reported in favor of the passage of said first mentioned bill; which report was agreed to, and said bill ordered to a third reading.

Mr. Mackay, from said committee, also reported in favor of the passage of said second mentioned bill, with amendments; which report was agreed to, and said bill ordered engrossed for a third reading.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

Senate, "An act to amend an act entitled 'An act to incorporate the city of Cohoes,' passed May 19, 1869, and the act amendatory of the same, passed May 11, 1871."

"An act to amend chapter 12 of the Laws of 1872, entitled 'An act prescribing the officers and employes that may be elected, appointed or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof.'"

"An act to provide for the payment of certain officers and employes of the Senate and Assembly, for their services."

And after some time spent therein Mr. Speaker resumed the chair, and Mr. Witbeck, from said committee, reported progress on said first mentioned bill, and asked leave to sit again.

The question being on granting leave.

On motion of Mr. Alvord, the committee of the whole was discharged from the further consideration of said bill, and the same ordered to a third reading.

Mr. Whitbeck, from said committee, also reported in favor of the passage of said second mentioned bill; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Whitbeck, from said committee, also reported progress on said third mentioned bill, and asked and obtained leave to sit again.

On motion of Mr. Alvord, said bill was recommitted to the committee on ways and means, retaining its place on general orders.

Mr. D. B. Hill presented the minority report of the committee on privileges and elections, on the case of Killian v. Frear; which was laid on the table and ordered printed and placed upon the special order calendar.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to provide for the purchase of a steam fire-engine in the village of Tonawanda, Erie county, and for the more effectual protection of said village against fires."

"An act to amend an act entitled 'An act to incorporate the Bush-



wick and Newtown Bridge and Turnpike Road Company,' passed April 26, 1836."

"An act relative to the laying out and opening of Madison avenue, north of 120th street, in the city of New York."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. I. H. Babcock, from said committee, reported in favor of the passage of said first and third mentioned bills; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. I. H. Babcock, from said committee, also reported progress on said second mentioned bill, and asked and obtained leave to sit again.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to amend an act entitled 'An act to establish regulations for the port of New York,' passed April 16, 1857."

"An act to authorize the descent of real estate to female citizens of the United States and their descendants, notwithstanding their marriage with aliens.

"An act for the protection of livery stable keepers and keepers of horses at riding academies."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Alvord, from said committee, reported in favor of the passage of said first and second mentioned bills; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Alvord, from said committee, also reported in favor of the passage of said third mentioned bill, with amendments.

The question being on agreeing to the report,

Mr. Alberger moved to recommit said bill to the committee on the judiciary, with instructions to strike out the enacting clause.

Mr. Foley moved to amend said motion by striking out all after the word "instructions," and inserting in lieu thereof the words "to amend said bill so as to limit the amount per diem they shall charge for the keeping of the horse."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion, as amended, and it was determined in the affirmative.

By unanimous consent Mr. Buckley introduced a bill entitled "An act to authorize the extension of the time for the collection of taxes in the town of Liberty, Sullivan county," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Buckley, and by unanimous consent, said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 98 }  
{ NOES 1 }

Those who voted in the affirmative, were

|          |          |            |         |            |
|----------|----------|------------|---------|------------|
| Abbott   | Cook     | A. Hill    | Marcy   | Sniper     |
| Aitken   | Couchman | Hollister  | Moore   | Snyder     |
| Alberger | Crandall | Houghton   | Morton  | Springsted |
| Alvord   | Davidson | Hungerford | Moseley | Swain      |

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| D. L. Babcock | Dunphy      | Husted     | Mosher  | Tobey           |
| I. H. Babcock | Eastman     | Hyatt      | Moulton | D. Tomkins      |
| Badeau        | Flammer     | Jacobs     | Murdock | M. M. Tompkins  |
| Baltz         | Foley       | Judd       | Osgood  | Tucker          |
| Beckwith      | Fort        | Kennedy    | Paige   | Twombly         |
| Bennett       | Fowler      | Kingsland  | Pierce  | A. L. Van Dusen |
| Berri         | Geib        | Knapp      | Preston | W. J. Van Dusen |
| Blair         | Goring      | Knetties   | Ray     | Wells           |
| E. E. Brown   | Goss        | Lewis      | Rice    | West            |
| I. D. Brown   | Green       | Lincoln    | Roche   | White           |
| Buckley       | Greenhalgh  | G. D. Lord | Rose    | Whitaker        |
| Burns         | Haight      | G. P. Lord | Sage    | Woodward        |
| Burritt       | Haughton    | Lott       | Simson  | Woolsey         |
| Campbell      | A. L. Hayes | Loughran   | Smith   | Wyman           |
| Chamberlain   | J. Hayes    | Lynde      | Smyth   | Yeomans         |
| Chambers      | Herrick     | Mackay     |         |                 |

For the negative

Speaker

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

On motion of Mr. Holdridge,

*Resolved*, That Senate bill, general order 233, entitled "An act to extend the time for beginning the construction of the Cattaraugus Railway Company," be considered in the first committee of the whole, not full.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to authorize the construction of a bridge over the Chenango canal at the village of Solsville, in the county of Madison."

Senate, "An act to extend the time for beginning the construction of the road of the Cattaraugus Railway Company."

"An act to repeal chapter 115 of the Laws of 1871, and to place proper restrictions on the appropriations and expenditures of public money by the board of supervisors of Kings county."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Badeau, from said committee, reported in favor of the passage of said first and third mentioned bills; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Badeau, from said committee, also reported in favor of the passage of said second mentioned bill; which report was agreed to, and said bill ordered to a third reading.

By unanimous consent, Mr. Alvord presented the report of the committee on ways and means on the investigation into the charges against Hon. James W. Husted; which was laid on the table and ordered printed.

(See Doc. No. 77.)

By unanimous consent, Mr. Jacobs introduced a bill entitled "An act relative to the expenditures of moneys by boards of supervisors," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Lippitt offered the following preamble and resolution:

*Whereas*, On the 17th day of February, 1872, by a resolution of this House the Superintendent of the Insurance Department was requested to transmit to this House the testimony (or a copy thereof) taken and proceedings had before him on the investigation made by him into the

affairs of the Mutual Life Insurance Company of the city of New York, and also to inform the House if the same is filed in his office, and if so, when the same was filed; and

*Whereas*, The said superintendent, in a communication to this House, dated February 27, 1872, states, in reply to said resolution, "that he assumes said resolution was adopted by the House, although not so stated. That said testimony covers six hundred foolscap pages. That "the superintendent knows of no law requiring it to be filed;" that "the original copy is open to inspection." No part of which information was called for by said resolution, but is given by said superintendent gratuitously; and

*Whereas*, Said superintendent has wholly omitted and neglected to comply with said resolution and transmit said testimony and proceedings to this House; now therefore,

*Resolved*, That the said superintendent be and he is hereby instructed forthwith to comply with the original resolution of this House, dated February 17, 1872, or be deemed guilty of contempt.

Mr. Jacobs moved that said preamble and resolution be referred to the committee on the judiciary to determine whether said resolution is privileged.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Speaker put the question whether the House would agree to the adoption of said resolution.

Debate was had thereon, when

Pending the debate, on motion of Mr. Jacobs, at 2 o'clock and 25 minutes the House took a recess until 7½ o'clock.

## HALF-PAST SEVEN O'CLOCK P. M.

The House again met.

Mr. Speaker announced the pending question to be upon the adoption of the preamble and resolution relative to the communication of the Superintendent of the Insurance Department, in response to a resolution of the Assembly.

Debate was had thereon, when

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to repeal chapter 737 of the Laws of 1871."

"Assembly, "An act to repeal chapter 877 of the Laws 1871, and to provide for the transfer of the duties of the registrar of arrears of taxes to the collector of taxes and assessments of the city of Brooklyn."

"An act to amend an act passed May 3, 1870, entitled 'An act to incorporate the city of Troy,' passed April 12, 1816,' and the several acts amendatory thereto, and also to amend other acts relating to the city of Troy."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Yeomans, from said committee, reported progress on said first named bill, and asked and obtained leave to sit again.



Mr. Yeomans, from said committee, also reported in favor of the passage of said second named bill; which report was agreed to and said bill ordered to third reading.

Mr. Yeomans, from said committee, also reported progress on said last mentioned bill, and asked and obtained leave to sit again.

Mr. Alvord moved that said bill be made a special order for next Thursday immediately after reading the journal.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Alvord offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act to supply the deficiency in the appropriation to pay the expenses of the superintendence, ordinary repairs, and maintenance of the canals for the remainder of the fiscal year, which commenced on the first day of October, 1871, and to regulate the manner of drawing warrants by the Auditor of the Canal Department upon the Treasurer," be considered in the next committee of the whole.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Lincoln offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act in relation to the village of Canandaigua, and to provide a police justice and police constables in said village, and defining their jurisdiction, power, and duties," be considered in the next committee of the whole.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

The House again resolved itself into a committee of the whole on the bills entitled as follows :

"An act to supply the deficiency in the appropriation to pay the expenses of the superintendence, ordinary repairs and maintenance of the canals for the remainder of the fiscal year which commenced on the first day of October, 1871, and to regulate the manner of drawing warrants by the Auditor of the Canal Department upon the treasurer.

"An act in relation to the village of Canandaigua, and to provide a police justice and police constables in said village, and defining their jurisdiction, power and duties."

"An act to amend chapter 80 of the Laws of 1870, entitled 'An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defense, and entitled the Military Code,' passed March 17, 1870."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Judd, from said committee, reported in favor of the passage of said first mentioned bill, with an amendment ; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

} AYES 84 }  
 } NOES 00 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Aitken        | Davidson    | Hollister  | Moore   | Speaker         |
| Alberger      | Dunphy      | Houghton   | Morton  | Springsted      |
| Alvord        | Enos        | Hungerford | Moulton | Squires         |
| D. L. Babcock | Foley       | Husted     | Niles   | Swain           |
| Badeau        | Fort        | Hyatt      | Osgood  | M. M. Tompkins  |
| Beckwith      | Geib        | Jacobs     | Puige   | Tucker          |
| Bennett       | Goss        | Judd       | Pierce  | A. L. Van Dusen |
| Berri         | Green       | Kennedy    | Preston | W. J. Van Dusen |
| Blair         | Greenhalgh  | Kingsland  | Prince  | Wells           |
| E. E. Brown   | Gregory     | Knettles   | Ray     | West            |
| I. D. Brown   | Haight      | Lewis      | Rice    | Whitbeck        |
| Burns         | Haughton    | Lincoln    | Rose    | White           |
| Burritt       | A. L. Hayes | G. D. Lord | Sage    | Whitaker        |
| Chambers      | Healy       | G. P. Lord | Simon   | Woodward        |
| Cook          | Herrick     | Loughran   | Smiley  | Woolsey         |
| Couchman      | A. Hill     | Mackay     | Smith   | Yeomans         |
| Crandall      | Holdridge   | Marey      | Smyth   |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Judd, from said committee, also reported progress on said second mentioned bill, and asked leave to sit again.

Mr. Alvord moved to discharge the committee from the further consideration of this bill, and that it be ordered to a third reading.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

*Ordered*, That said bill be engrossed for a third reading.

Mr. Judd, from said committee, also reported in favor of the passage of said third mentioned bill; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to authorize the directors of the village of Kingston, in Ulster county, to issue bonds to pay the outstanding indebtedness of said village," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the Senate bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Hornellsville,' passed April 9, 1867," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the Senate bill entitled "An act to amend an act entitled 'An act to incorporate the village of Goshen,' passed April 18, 1843, and passed March 26, 1866," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the Senate bill entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to incorporate the village of Port Byron,' passed May 12, 1869," reported in favor of the passage of the same; which report was agreed to.

On motion of Mr. I. D. Brown, and by unanimous consent, said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Aitken        | Fort       | Hyatt      | Moulton | Snyder          |
| Alberger      | Geib       | Jacobs     | Niles   | Speaker         |
| Alvord        | Goss       | Judd       | Osgood  | Springsted      |
| D. L. Babcock | Green      | Kennedy    | Pierce  | Swain           |
| Badeau        | Greenhalgh | Kingsland  | Preston | M. M. Tompkins  |
| Beckwith      | Gregory    | Knettes    | Prince  | Tucker          |
| Berri         | Hawkins    | Lewis      | Ray     | Twombly         |
| Blair         | Healy      | Lincoln    | Rice    | A. L. Van Dusen |
| E. E. Brown   | Herrick    | G. D. Lord | Roche   | W. J. Van Dusen |
| I. D. Brown   | A. Hill    | G. P. Lord | Rose    | West            |
| Burns         | D. B. Hill | Loughran   | Sage    | Whitbeck        |
| Burritt       | Holdridge  | Lynde      | Simson  | White           |
| Cook          | Hollister  | Mackay     | Smiley  | Whitaker        |
| Couchman      | Houghton   | Marcy      | Smith   | Woodward        |
| Crandall      | Hungerford | Moore      | Smyth   | Woolsey         |
| Davidson      | Husted     | Moseley    | Sniper  | Yeomans         |
| Enos          |            |            |         |                 |

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the Senate bill entitled "An act to amend an act passed May 10, 1870, entitled 'An act to amend an act entitled An act to provide for the incorporation of villages,' passed December 7, 1847, and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Morton offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved,* That the Assembly bill No. 139, entitled "An act to repeal chapter 737 of the Laws of 1871, be considered in the first committee of the whole.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Bennett offered, for the consideration of the House, a resolution, in the words following, to wit:

*Resolved,* That Assembly bill No. 147, entitled "An act to regulate the running of certain ferries between the cities of New York and Brooklyn, and to establish rates of ferriage thereon," be considered in the first committee of the whole.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.



Mr. Aitken offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That Assembly bill, general orders 225, entitled "An act authorizing rebuilding of certain piers in the city of Brooklyn," be considered in the first committee of the whole, not full.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to repeal chapter 737 of the Laws of 1871."

"An act to regulate the running of certain ferries between the cities of New York and Brooklyn, and to establish rates of ferriage thereon."

"An act to authorize the rebuilding and repairing of certain wharves and piers in the city of Brooklyn."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Foley, from said committee, reported in favor of the passage of said first mentioned bill, with an amendment, and the title amended by adding at the end thereof the words "entitled 'An act to provide for the election of an auditor for the county of Kings, and defining his powers and duties,'" which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Foley, from said committee, also reported in favor of the passage of said second and third mentioned bills, the second mentioned with amendments; which report was agreed to, and said bills ordered engrossed for a third reading.

On motion of Mr. A. Hill, at 9 o'clock and 50 minutes, the House adjourned.

## FRIDAY, MARCH 1, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Love.

The journal of yesterday was read and approved.

Mr. Smyth, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to repeal chapter 877 of the Laws of 1871, and to provide for the transfer of the duties of the registrar of arrears of taxes to the collector of taxes and assessments of the city of Brooklyn."

"An act to amend chapter 80 of the Laws of 1870, entitled "An act to provide for the enrollment of the militia for the organization of the National Guard of the State of New York, and for the public defense, and entitled the Military Code," passed March 17, 1870."

"An act to regulate the running of certain ferries between the cities of New York and Brooklyn, and to establish rates of ferriage thereon."

"An act to authorize the rebuilding and repairing of certain wharves and piers in the city of Brooklyn."

"An act to repeal chapter 737 of the Laws of 1871, entitled 'An act to provide for the election of an auditor for the county of Kings and prescribing his power and duties.'"

"An act to incorporate the Moose River Improvement Company."

"An act to amend chapter 12 of the Laws of 1872, entitled 'An act prescribing the officers and employes that may be elected, appointed or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof.'"

"An act to provide for the purchase of a steam fire-engine in the village of Tonawanda, Erie county, and for the more effectual protection of the said village against fires."

"An act relative to the laying out and opening of Madison avenue, north of 120th street, in the city of New York."

"An act to amend an act entitled 'An act to establish regulations for the port of New York,' passed April 16, 1857."

"An act to authorize the descent of real estate to female citizens of the United States, and their descendants, notwithstanding their marriage with aliens."

"An act to authorize the construction of a bridge over the Chenango canal at the village of Solsville, in the county of Madison."

"An act to repeal chapter 115 of the Laws of 1871, and to place proper restrictions on the appropriations and expenditures of public money by the board of supervisors of Kings county."

Mr. A. L. Van Dusen, from the committee on engrossed bills, reported as correctly engrossed the bill (passed on the 29th ultimo) entitled as follows:

"An act to supply the deficiency in the appropriation to pay the expenses of the superintendence, ordinary repairs and maintenance of the canals for the remainder of the fiscal year which commenced on the first day of October, 1871, and to regulate the manner of drawing warrants by the Auditor of the Canal Department upon the Treasurer."

The Senate sent for concurrence the bills entitled as follows:

"An act in relation to petit jurors for the county courts and courts of sessions, in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to amend an act entitled An act to revise the charter of the city of Utica, passed February 28, 1862,' passed February 25, 1870," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Hungerford, and by unanimous consent, said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 2 }

Those who voted for the affirmative, were

|               |          |            |         |            |
|---------------|----------|------------|---------|------------|
| Abbott        | Davidson | Hollister  | Murdoch | Smyth      |
| Alberger      | Dunphy   | Houghton   | Niles   | Sniper     |
| Alvord        | Enos     | Hungerford | Oakley  | Speaker    |
| D. L. Babcock | Foley    | Hyatt      | Osgood  | Springsted |
| Badeau        | Fort     | Jacobs     | Paige   | Strahan    |

|             |             |            |         |                 |
|-------------|-------------|------------|---------|-----------------|
| Baltz       | Fowler      | Judd       | Pell    | Swain           |
| Beckwith    | Geib        | Kennedy    | Pierce  | M. M. Tompkins  |
| Bemus       | Goss        | Knapp      | Preston | A. L. Van Dusen |
| Bennett     | Green       | Knottles   | Prince  | W. J. Van Dusen |
| Berri       | Gregory     | Lewis      | Ray     | Wells           |
| E. E. Brown | Haight      | Lincoln    | Rice    | Whitbeck        |
| Buckley     | Hawkins     | G. D. Lord | Roche   | White           |
| Buell       | A. L. Hayes | Lott       | Rose    | Whitaker        |
| Burns       | Healy       | Loughran   | Sage    | Woodward        |
| Burritt     | Herrick     | Lynde      | Simson  | Woolsey         |
| Cook        | A. Hill     | Mackay     | Smiley  | Wyman           |
| Couchman    | D. B. Hill  | Marcy      | Smith   | Yeomans         |
| Crandall    | Holdridge   | Moore      |         |                 |

Those who voted in the negative, were

Moseley                      Moulton

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

A message from the Senate was received and read, informing of concurrence in the passage of the bills entitled as follows:

"An act to extend the time for the collection of taxes in Richmond county."

"An act to amend an act passed April 19, 1871, entitled 'An act to amend an act entitled "An act to authorize the formation of railroad corporations and to regulate the same,"' passed April 2, 1850."

"An act to extend, widen, alter, and improve Banker street, to close a portion of the same, and to improve Union avenue, in the city of Brooklyn."

"An act to authorize the extension of the time for the collection of taxes in the town of Liberty, Sullivan county."

"An act to amend chapter 576 of the Laws of 1870, entitled 'An act to provide for the introduction of the European system of steam towage upon the canals of this State.'"

"An act authorizing the election of a board of auditors for the town of Lenox, Madison county, and empowering other towns to avail themselves of the provisions of this act."

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Speaker presented the reply of the West Side and Yonkers Patent Railway Company to a resolution of the Assembly, passed January 31, 1872; which was laid on the table and ordered printed.

(See Doc. No. 78.)

The Senate returned the bill entitled "An act authorizing the Canal Commissioner of the eastern division to raise a certain road bed in the town of Kingsbury, county of Washington," with a message that they had passed the same with the following amendments:

Add the following as section 2:

"§ 2. The amount expended under the provisions of this act shall not exceed the sum of \$1,000, and shall be paid out of any money or moneys appropriated for the extraordinary repairs of the eastern division of the canal.

"Change section 2 to section 3."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.



{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

|             |             |            |         |                 |
|-------------|-------------|------------|---------|-----------------|
| Abbott      | Crandall    | Hollister  | Moulton | Sniper          |
| Alberger    | Davidson    | Houghton   | Murdock | Speaker         |
| Alvord      | Enos        | Hungerford | Osgood  | Springsted      |
| Badeau      | Foley       | Hyatt      | Paige   | Squires         |
| Baltz       | Fort        | Jacobs     | Pell    | Strahan         |
| Beckwith    | Fowler      | Judd       | Pierce  | Swain           |
| Bemus       | Geib        | Knapp      | Preston | M. M. Tompkins  |
| Bennett     | Goss        | Knettles   | Prince  | A. L. Van Dusen |
| Berri       | Green       | Lewis      | Ray     | W. J. Van Dusen |
| Blair       | Gregory     | G. D. Lord | Roche   | Wells           |
| E. E. Brown | Haight      | Lott       | Rose    | Whitbeck        |
| Buckley     | Hawkins     | Loughran   | Sage    | White           |
| Buell       | A. L. Hayes | Lynde      | Simson  | Whitaker        |
| Burns       | Healy       | Mackay     | Smiley  | Woodward        |
| Burritt     | Herrick     | Marcy      | Smith   | Woolsey         |
| Cook        | A. Hill     | Moore      | Smyth   | Wyman           |
| Couchman    | Holdridge   |            |         |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

Mr. Fort moved to lay on the table all orders of business except "presentation of petitions, reports of standing committees, and introduction of bills."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Messrs. Page, Hart, Fort, Whitaker, Enos and Woolsey, severally, presented petitions from citizens in different parts of the State, in favor of local prohibition; which were read and referred to the committee on internal affairs.

Messrs. White, Jacobs, Hawkins, Foley, Paige, Mackay, Twombly, Whitbeck, Prince, Judd, Husted and Moseley, severally, presented petitions of citizens of different parts of the State, in favor of the repeal of the Erie classification act; which were read and referred to the committee on railroads.

Mr. A. L. Van Dusen presented a petition of H. L. Comstock and others, for the repeal of the railroad bonding act; which was read and referred to the committee on railroads.

Messrs. Knapp, Chambers, Wiley, Kennedy, Mackay, Lincoln, Strahan, Houghton, Lewis, Preston, Bemus, D. B. Hill, Baltz, Murdock, Simson, Crandall, Fowler, Twombly, Buckley, Smyth, Davidson, Knettles, Loughran, Woolsey, G. D. Lord, Gregory, Holdridge and Whitaker presented seventy-five remonstrances of citizens of different parts of the State against the repeal of the Erie classification act, and legislative interference in the management of the Erie Railway Company; which were read and referred to the committee on railroads.

Messrs. Oakley, Whitbeck and Jacobs presented several petitions of citizens of different portions of the State in favor of the exemption of bonds and mortgages from taxation; which were read and referred to the committee on ways and means.

Mr. A. Hill presented a petition of E. M. Cade and 287 others in relation to military exemptions; which was read and referred to the committee on the militia.

Mr. Twombly presented a petition of Wm. F. Butler, Edward Hays, and others, colored citizens of New York city, asking for the passage of the bill now pending before the Assembly, to remove the word "white" from the Military Code; which was laid on the table.

Messrs. D. B. Hill and Knottles presented remonstrances, against the passage of any law having for its object the exemption of foreign insurance companies doing business in this State from the payment of a percentage for the benefit of firemen; which were read and referred to the committee on insurance.

Messrs. Simson and Lewis presented a remonstrance of citizens of Clarence, Erie county, against a tax for the purpose of draining certain sinks in said town; which was read and referred to the committee on internal affairs.

Also, presented petitions of citizens of Erie county asking for the removal of the State dam at Tonawanda; which were read and referred to the committee on canals.

Mr. Chambers presented a petition of tax-payers of the town of West Seneca, in Erie county, in favor of bridges in said town; which was read and referred to the committee on roads and bridges.

Mr. Hart presented a petition of the tax-payers of the town of Carlton, Orleans county, for the passage of Senate bill No. 20; which was read and referred to the committee on railroads.

Mr. Twombly presented the petition of Ward B. Burnett for payment for services and disbursements in the recruiting service; which was read and referred to the committee on ways and means.

Mr. Mackay presented the remonstrance of William Orton and others, owners of property on West Twenty-third street, westerly of the Eighth avenue, in the city of New York, against the passage of the proposed act to authorize the laying of a railroad through that part of West Twenty-third street; which was read and referred to the committee on railroads.

Mr. Judd presented the petition of citizens of Staten Island, praying for the establishment of a metropolitan police; which was read and referred to the committee on internal affairs.

Mr. Twombly presented two petitions in favor of providing by appropriate legislation for the retirement of the capital stock of insurance companies, to the end that they may become mutual companies; which were read and referred to the committee on insurance.

Mr. Whitbeck presented a petition of B. L. Solimon and others in favor of the opening of streets and avenues in the city of New York by one commission and at nominal charge; which was read and referred to the committee on the affairs of cities.

Mr. Hungerford presented a petition of 154 tax-payers of Oneida county, for the abandonment of so much of the Utica and Bridgewater plank-road as lies between Cassville and Utica in Oneida county; which was read and referred to the committee on roads and bridges.

Mr. Moulton presented a petition of Franz Ruygart, Jacob Robinson and one hundred and twenty-four others, in relation to the removal and abatement of a nuisance in the city of New York; which was read and referred to the committee on public health.

Mr. Husted presented two petitions in relation to the improvement of Highland turnpike, in the town of Mount Pleasant, Westchester county; which were read and referred to the committee on roads and bridges.

Mr. Rice presented a petition of the citizens of the town of Danube,



Herkimer county, for the passage of an act for the adjustment of claims against said town; which was read and referred to the committee on internal affairs.

Mr. W. J. Van Dusen presented a remonstrance of Charles B. Freeman and ninety-one others, citizens of Montgomery county, against the passage of "An act to amend an act entitled 'An act to incorporate the Poughkeepsie Bridge Company,' passed May 10, 1871," which was read and referred to the committee on commerce and navigation.

Mr. G. D. Lord presented a petition of the managers of the Rochester Home for the Friendless, praying for relief; which was read and referred to the committee on ways and means.

Mr. Alvord, from the committee on ways and means, to which was referred the bill entitled "An act making appropriations for the payment of the principal and interest on the canal debt, commencing on the first day of October, 1872, and to provide for the payment of the debt contracted under section twelve of article seven of the constitution," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Alvord, from the committee on ways and means, to which was referred the bill entitled "An act for the appropriation of fifteen hundred dollars to repair a road across the Onondaga Indian reservation," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Mr. Alvord, from the committee on ways and means, to which was referred the bill entitled "An act to provide for the audit and payment of certain claims and expenses incurred by the direction of the Governor and Attorney-General in the city of New York," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Alvord, from the committee on ways and means, to which was referred the bill entitled "An act to improve the navigation of the Hudson river, and to make an appropriation therefor," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Alvord, from the committee on ways and means, to which was referred the bill entitled "An act releasing the interest of the people of the State of New York, in certain real estate, to the Five Points House of Industry," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Alvord, from the committee on ways and means, to which was referred the bill entitled "An act to authorize the establishment of a female department to the Western House of Refuge for Juvenile Delinquents," reported the same for the consideration of the House; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Alvord dissented from said report.

Mr. Alvord, from the committee on ways and means, to which was referred the bill entitled "An act to appropriate money for the building of a bridge over the Cayuga inlet, in the village of Ithaca," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

On motion of Mr. Alvord,

*Resolved*, That the petition of Staten Islanders for the Legislature to inquire into the affairs and management of the Seaman's Retreat, hereto-



fore referred by this House to the committee on ways and means, be recalled from that committee and referred to the committee on commerce and navigation.

On motion of Mr. Alvord,

*Resolved*, That the act to provide means for draining the sinks in the towns of Clarence and Amherst in the county of Erie, heretofore referred to the committee on ways and means, be recalled from that committee and referred to the committee on internal affairs.

On motion of Mr. Alvord,

*Resolved*, That the petition of the citizens of Elbridge relating to the plank-road between the village of Elbridge and Skaneateles junction, heretofore referred by this House to the committee on ways and means, be recalled from that committee and referred to the committee on roads and bridges.

Mr. Alberger, from the committee on commerce and navigation, to which was referred the bill entitled "An act to amend an act entitled 'An act giving permission to the United States to remove a portion of the public work known as the 'Erie Basin Breakwater,' in or near Buffalo harbor,' passed April 27, 1868," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Green, from the committee on commerce and navigation, to which was referred the memorial of the board of commissioners of pilots praying for compensation since the year 1859; reported that they have considered the same, and think the claim a just one, but as it asks for an appropriation, respectfully request that it be referred to the committee on ways and means; which report was agreed to.

Mr. Green, from the committee on commerce and navigation, to which was referred the Senate bill entitled "An act to incorporate the Moose River Improvement Company," reported in favor of the passage of the same, with an amendment; which report was agreed to and said bill committed to the committee of the whole.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act to amend chapter 778 of the Laws of 1871, reappropriating certain moneys for the construction of new work upon and extraordinary repairs of the canals of this State," reported by substituted bill; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act for the erection of an iron bridge over the Erie canal at West Troy, in the county of Albany," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Fort, from the committee on canals, to which was recommitted the bill entitled "An act ceding jurisdiction to the United States over certain lands in the counties of Niagara and Erie, that may be occupied for the construction and maintenance of a ship canal around the falls of Niagara," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole, retaining its place on general orders.

Mr. Squires, from the committee on banks, to which was recommitted the bill entitled "An act to incorporate the College Point Savings Bank," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Squires, from the committee on banks, to which was referred the bill entitled "An act to incorporate the Whitestone Savings Bank," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Squires, from the committee on banks, to which was referred the bill entitled "An act to incorporate the Saratoga Safe Deposit and Trust Company," reported adversely thereto, which report was agreed to.

Mr. G. P. Lord, from the committee on public education, to which was referred the bill entitled "An act to amend an act entitled 'An act to establish a free school in school district No. 4, in the town of East Chester, Westchester county,' passed June 8, 1853," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. G. P. Lord, from the committee on public education, to which was referred the bill entitled "An act to limit the amount of money to be paid to the Hornell Library Association to \$500, and to amend chapter 594 of the Laws of 1869," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. G. P. Lord, from the committee on public education, to which was referred the bill entitled "An act to authorize the board of education of school district No. 10, in the town of Warsaw, to erect a school building and provide means for payment thereof," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. G. P. Lord, from the committee on public education, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Saint Joseph's Academy and Industrial Female School of Lockport,' passed February 19, 1866," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. G. P. Lord, from the committee on public education, to which was referred the Senate bill entitled "An act to enable the board of education of the village of Salem to borrow or raise by tax money for school purposes, and to provide for the payment thereof, with interest, if borrowed, by tax on said village," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to abolish the office of 'the trustees of the freeholders and commonalty of the town of Huntington,' in the town of Huntington, county of Suffolk, and to create their successors," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to change the time of the appointment of overseers of highways, and to define their duties in the county of Suffolk," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to authorize the appointment of commissioners to fix a grade and improve sidewalks and streets in the town of New Lots, Kings county," reported in favor of the passage of



the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to authorize the inhabitants of the town of Oswego to raise money to build a soldiers' monument," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to enable the electors of the towns in the several counties of this State to vote by districts for town officers," reported the same for the consideration of the House; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act in relation to the board of town auditors, poormasters and collector of the town of Kingston, Ulster county, New York," reported the same for the consideration of the House; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to repeal an act entitled 'An act to provide for the erection of a town hall in the village of Mount Vernon, town of East Chester, county of Westchester,' passed April 4, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act in relation to the powers and duties of the board of supervisors of the county of Monroe," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to compel the commissioners appointed to build a town hall in the town of New Rochelle, under chapter 88 of the Laws of 1868, and all laws amendatory thereof, to account," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the Senate bill entitled "An act for the relief of Simon DeGraff, James Conway and George W. Phelps, and to authorize the board of supervisors of the county of Livingston to audit and allow the claims of Simon DeGraff, James Conway and George W. Phelps for constructing and repairing a bridge over the Genesee river, in the county of Livingston, and to levy a tax for the amount allowed," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the Senate bill entitled "An act to amend chapter 92, Laws of 1869, entitled 'An act to provide for the compensation of members of the board of supervisors of the county of Oneida,' and to fix the place of the annual sessions thereof," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Whitaker, from the committee on internal affairs, to which was referred the bill entitled "An act for the suppression of the sale of prize



packages," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to provide for the sale of certain public property in the city of New York," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to incorporate the city of Rondout," reported adversely thereto, for the reason that the same had been consolidated with and incorporated into the bill entitled "An act to incorporate the the city of Kingston," which report was agreed to.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to revise the charter of Long Island City,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act passed April 26, 1870, entitled 'An act to make further provision for the government of the city of New York,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to repeal section 94 of chapter 352 of the Laws of 1855, and section 15 of title 15 of chapter 912 of the Laws of 1869, relating to a jail or lock-up in the city of Cohoes;" also, chapter 235 of the Laws of 1861, entitled "An act to authorize and establish a jail or lock-up in the village of West Troy, in the county of Albany," passed April 15, 1861, reported adversely thereto, which report was agreed to.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the Senate bill entitled "An act to authorize the city of Watertown to borrow money and issue bonds of the city therefor, for the purpose of liquidating its present indebtedness; reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the Senate bill entitled "An act to amend an act entitled 'An act to revise the charter of the city of Auburn,' passed April 22, 1869," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to authorize the trustees of the village of Flushing to issue bonds and raise money for the purchase of a steam fire-engine, and for the mapping and establishment of lines and grades for the streets and public places in said village," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

The hour of twelve o'clock having arrived, Mr. Speaker announced the special order, being the report of the committee on privileges and elections in the case of the contested seat of Kilian v. Frear, and being in the words following, to wit:

Report of majority of the committee on privileges and elections in the matter of the petition of Frederick Kilian, contestant for the seat of Alexander Frear, as member of Assembly of the State of New York, from the fifteenth Assembly district of the city and county of New York.

*To the Assembly :*

The standing committee on privileges and elections, to whom was referred the petition of Frederick Kilian, claiming the seat now occupied by Hon. Alexander Frear, as member of the Assembly from the fifteenth Assembly district of the county of New York, respectfully submit the following report :

The contestant, Frederick Kilian, claims that he was, by the greatest number of votes, duly elected member of Assembly for the said fifteenth Assembly district of the county of New York at the general election held on November 7th, 1871.

He alleges that he was unlawfully deprived of his seat by means of fraudulent canvassing and other irregularities, perpetrated at several of the polling places in said Assembly district, and enumerates the first, third, seventh, eighth, eighteenth and twenty-fifth election districts of the twentieth ward of the city of New York, all of them being included in and parts of the said fifteenth Assembly district, as the places where such frauds and irregularities were committed.

The incumbent in general, denies the allegations of fraud and irregularities made by the contestant, charges irregularities in the thirteenth and sixteenth election districts of the twentieth ward, likewise portions of said Assembly district, and insists upon the regularity of the election and the correctness of the returns.

The committee have been attended by the parties and their counsel, and have received and carefully considered the evidence offered in support of their respective claims.

The evidence was produced or offered on the part of the incumbent, Frear, in relation to the irregularities alleged by him to have occurred in the thirteenth and sixteenth election districts of the twentieth ward.

It was shown before the committee, that immediately after the election, at the first meeting of the board of county canvassers, the contestant, Kilian, presented his protest, setting forth frauds and irregularities, claiming that the returns from certain districts should be thrown out, and that the certificate of election should be awarded to him.

This protest was referred to the committee on protests of said board of county canvassers, before whom the contestant produced affidavits to prove the alleged frauds and irregularities, and offered to produce witnesses to be examined concerning the same. This committee on protests refused to examine the witnesses, or to inquire into or pass upon the returns of votes made by the district canvassers, and the board of county canvassers sustained such action and gave the certificate of election to Hon. Alexander Frear, the sitting member. This will appear somewhat extraordinary when it is remembered that the same committee on protests, and the board of county canvassers composed almost entirely of the same persons ; at the canvass of the votes cast at the election held in November of the previous year, did enquire into and pass upon the question as to the correctness of the returns of the votes made by the district canvassers in several of the election districts, comprised within the seventh Assembly district of the county of New York, rejected several such returns, and gave the certificate of election to Hon. John Carey, instead of to Hon. Horatio N. Twombly, who, according to the



returns of the district canvassers, received the greatest number of votes.

In the present case it was conceded that the number of votes, as returned by the district canvassers and allowed by the county canvassers, and upon which the certificate of election was given, was:

|                            |       |
|----------------------------|-------|
| For Alexander Frear .....  | 2,818 |
| For Frederick Kilian ..... | 2,791 |

Giving Frear an apparent majority of twenty-seven (27).

It was also conceded that the returns made by the district canvassers in the twenty-fifth election district of the twentieth ward, and allowed by the county canvassers, were, for member of Assembly:

|              |     |
|--------------|-----|
| Frear .....  | 228 |
| Kilian ..... | 60  |
| Harris ..... | 36  |
| Logan .....  | 17  |

It was shown by one of the contestant's witnesses, a clerk in one of the largest banks of the city of New York, that the canvass in this twenty-fifth election district was conducted throughout in a very loose and disorderly manner, with scarcely any regard to the requisites and formalities prescribed by law.

That in the canvass of the general ticket, containing the names for State, city and county officers, in all nearly thirty-five names, the inspectors seem to have made a count, the poll clerks keeping or purporting to keep a tally; that one of the poll clerks said to the other: "Here, let's give the democrats 227 and the republicans 110 all the way round; that'll make it about fair," and the returns were accordingly so made and signed by the inspectors of election. This was not denied, although one of the inspectors, called on behalf of the incumbent, testified that he had taken charge of the "splits," of which he thought there were fifty; and another inspector testified that the return of the general ticket was correct, "just as correct" as the returns made on the Assembly ticket.

In the canvass of the Assembly ticket but two of the inspectors took part; one of them simply received bunches of tickets handed him by the other, each bunch being supposed to contain ten, and in two instances remonstrated at the other's miscount. No tally was announced by the inspectors or kept by the poll clerks, nor was any announcement made of the vote; though each of these matters, together with the manner in which it shall be performed, is specifically required and set forth in the election law, and mentioned with great particularity and minuteness in the instructions issued from the "Bureau of Elections" in the city of New York to the canvassers and poll clerks.

One of the poll clerks ultimately asked, "What did those fellows get?" whereupon one of the inspectors answered, after consultation with a bystander, "Frear 228, Killian 60, Harris 36, and Logan 17"; and the returns were accordingly so made out and signed by the inspectors. The inspectors were called as witnesses on behalf of the incumbent, but although they contradicted some of the testimony given on the part of the contestant, yet they contradicted each other in so many material points as to produce conviction in the minds of the committee of their bad faith and intent to defraud.

It was proved that, in this twenty-fifth election district of the twentieth ward, at least ninety-eight (98) residents and legal voters therein voted for Frederick Kilian, the contestant, for member of Assembly; ninety-one of these testified positively that they so voted. These witnesses



seemed to be of great intelligence and respectability, and included clergymen, physicians, lawyers, bankers and merchants, who, though subjected to a rigid and somewhat extended cross-examination, adhered to their statements with clearness and positiveness. Yet the canvassers return only sixty (60) votes for Kilian in this district.

It seems proper to observe, in connection with these frauds and irregularities in the twenty-fifth election district of the twentieth ward, that one of the inspectors of election, James Riley, who, to avoid a rule of the committee excluding all witnesses except the one under examination, passed several days in their room under assumed names, testified that he had been employed by the Commissioners of Emigration, coming from Ward's island into the district but a short time before the election; that he was appointed inspector of election; that he advocated the election of Mr. Frear, who, by the way, is one of the Commissioners of Emigration, that he resided at and voted from the "Leed's Arms," a bar-room and lodging-house; that he never owned a trunk or carpet-bag; that he had but two shirts, which he considered an adequate supply for six months without washing; that he had no apparel other than that he carried on his back or in a newspaper; this person, a vagabond, and evidently of the lowest character, took charge of the Assembly box, and was permitted by the other inspectors so to do, during almost the entire day, and deposited, or was supposed to deposit in the box the ballots for Assembly, offered by the voters. It seems obviously proper to reject the returns made for Assembly, by the district canvassers of the twenty-fifth election district of the twentieth ward, and the committee have resolved to do so, being of the opinion that the discrepancy between the number of votes, indisputably proved to have been cast there for Kilian, and the number returned for him, taken in connection with the irregularities in, and indeed the loose, general nature of the canvass, furnishes sufficient evidence of fraud to justify such action.

If it be urged that such an act disfranchises the citizens of that district, the answer is that it behooves a people to see to it that a fair and honest expression of their choice is secured at the ballot-box; that if such an expression is prevented or rendered impossible, either by their own active or passive aid, or by fraud or neglect of those chosen to determine what that expression is, the consequences must be endured; the wrong thereby worked should be righted; and the only remedy which will strike deep enough to cure the evil should be applied.

The returns from that election being rejected, the vote for Assembly in the entire Assembly district, as between the contestant and incumbent, is:

|              |       |
|--------------|-------|
| Frear .....  | 2,590 |
| Kilian ..... | 2,731 |

giving Kilian a majority over Frear of 141 votes.

But even if the returns of this district be not rejected, the general result remains unchanged, Kilian being allowed the ninety-one votes proved to have been given for him.

If it be assumed that the vote for Harris and Logan was correctly returned, and the votes cast for Kilian but not returned for him were given to Frear, then, taking the votes as proved before the committee, the total vote in the Assembly district, as between the parties hereto, will be:

|                                    |       |
|------------------------------------|-------|
| Frear .....                        | 2,780 |
| Kilian .....                       | 2,829 |
| <hr/>                              |       |
| Kilian's majority over Frear ..... | 49    |
| <hr/>                              |       |

If it be assumed that the number of votes returned for Frear be correct, and that the votes proved to have been given for Kilian and not returned for him were either destroyed or returned for the other candidates, then the vote of the entire Assembly district will be, giving to Kilian the votes proved to have been cast for him:

|                         |       |
|-------------------------|-------|
| Frear .....             | 2,818 |
| Kilian .....            | 2,829 |
| <hr/>                   |       |
| Kilian's majority ..... | 11    |
| <hr/>                   |       |

The frauds in the canvass of the twenty-fifth election district, and the character and result of the voting there, being so clearly shown, and enabling the committee to arrive at a conclusion respecting the case as between the contestant and incumbent, it is deemed unnecessary to pass upon or discuss the character or effect of the irregularities shown in the other election districts mentioned in claimant's petition.

These districts each gave Frear a majority, and if the returns should be thrown out, the contestant would be entitled to his seat as member of Assembly by a majority of more than 500 votes.

Your committee recommend the adoption of the following resolution:

*Resolved*, That Frederick Kilian, having received the greatest number of votes cast for member of Assembly for the fifteenth Assembly district of the county of New York, at the general election held on the 7th of November, 1871, is declared the duly elected member from said district, and as such is entitled to the seat now occupied by Hon. Alexander Frear.

ROBERT H. STRAHAN.  
HORATIO N. TWOMBLY.  
P. BURNS.  
S. SPRINGSTED.  
JOHN S. MARCY.

Mr. Strahan moved that the report and resolution of the majority of said committee be adopted.

Mr. D. B. Hill then moved to amend by substituting therefor the report and resolution of the minority of said committee in words following:

Minority report of the committee on privileges and elections in the matter of the petition of Frederick Kilian, contestant for the seat of Alexander Frear, member of Assembly of the State of New York from the fifteenth Assembly district of the city and county of New York.

The minority of the committee on privileges and elections, respectfully present the reasons why they are unable to concur in the report of the majority, that Frederick Kilian is entitled to the seat of Alexander Frear, as member of Assembly from the fifteenth district of the city of New York.

Mr. Frear was regularly declared and certified to be elected by twenty-seven majority. It is not pretended on the part of the contestant that this result was not reached in compliance with the forms of law; and the incumbent, and the election officers upon whose returns his right is based,

are therefor entitled to all the presumptions which the law attaches to these facts.

To impeach Mr. Frear's right to his seat, the contestant has given evidence in relation to the first, seventh, eighth, eighteenth and twenty-fifth election districts of the twentieth ward; the ward within which the district is entirely comprised.

In the first district there was only one poll clerk present when the voting commenced. The inspectors were entirely inexperienced. They did not even know that it was necessary to keep a poll list. They, therefore, gave the poll clerk one of the registers of electors, to check off the names of the persons voting, and mark thereon what tickets they voted. The republican inspector did the same with another copy of the register. As soon as there was a lull in the voting, and when nearly 130 persons had voted, the inspectors took up the poll lists which had been provided for the election, and immediately directed the poll clerk to commence keeping one. Three hundred and sixty-seven persons voted afterward, and their names were entered on the poll list. The other poll clerk did not arrive at the polls until after twelve o'clock, when he also commenced to keep a poll list. The republican inspector continued to check one of the registers. The three inspectors were all examined, and they united in testifying that 493 persons voted; all but two of whom were registered electors. There were 566 names on the registry. Four hundred and eighty ballots were received and canvassed for member of Assembly.

This clear statement of the election officers, conclusive as it is in respect to the fairness of the election in that district, is corroborated by a most important witness. He was the challenger and watcher appointed by the republican organization in that Assembly district, of that portion of the republican party most closely identified with the national administration; being the organization in that district over which the leading counsel for the contestant himself presided. This witness, who voted for Mr. Kilian, testified that he attended every session of the inspectors at which voters were registered; that he entered in a book provided for that purpose, by the organization, the name of every person registered; that he also attended the polls from the opening to the close (his meals being brought to him), and checked in that book the name of every person who voted, except two or three who voted without having been registered; that he was present during the entire canvass of the Assembly ballots, and that the number of such ballots canvassed was less than the number of names of persons voting, checked by him in that book. He left the book the same day (as he was instructed by it to do) at the house of Mr. Davenport, United States commissioner, the gentleman who had charge of the election for the whole city, in the interest of the administration branch of the republican party, and of the committee of seventy. This evidence forecloses any possibility of doubt in regard to the correctness of the return for the first district.

In the seventh district, the challenger and watcher of the same organization, who also voted for Mr. Kilian, testified, that during the absence of one of the inspectors for dinner, another person, not an inspector, put ballots received from voters in the box provided for the reception of ballots for inspectors of election, but in no other box. He also testified, that two persons, not inspectors nor poll clerks, assisted in canvassing the split ballots for State and county officers, but that as soon as he objected they ceased to take part. He testified, moreover, that no per-



son but the inspectors took any part in the canvass of the Assembly ballots. Although there was nothing proved to impeach the correctness of the Assembly canvass, the three inspectors were called and they verified it.

In the eighth district, the challenger and watcher of the same organization, who also voted for Mr. Kilian, testified, that during the absence of the republican inspector for dinner, he deposited the ballots of some four or five voters in two or three of the boxes, but he could not specify which. He added that he was not guilty of any fraud whatever. The two inspectors who were present testified that he put no ballot into the Assembly box.

In respect to the eighteenth district, two witnesses were called by the contestant. They concurred in stating that a person, not an inspector or poll clerk, took part, by general request, in the canvass of the general ticket, which was very difficult on account of the number of split tickets and the number of names on the ballots. One of them testified that the same person helped to unfold the Assembly ballots; while the other testified that he took no part. The gentleman himself and the three inspectors all testified that he took no part in the canvass of the Assembly ballots, but that they were canvassed exclusively by the inspectors.

In the twenty-fifth district, two witnesses were examined who were watchers at the polls and during the canvass; one for the municipal reform party, and one for the democratic reform (O'Brien) party. The three inspectors (two democrats and one republican) were also examined. These witnesses agree that the vote of the district, as canvassed, was for Frear (regular democrat), 228; Harris (democratic reform), thirty-six; Logan (independent democrat), sixteen; and Kilian (republican), sixty; the only discrepancy being as to whether Harris received thirty-six or thirty-seven.

Not the slightest proof was produced of the change of any ballot during the election. Each inspector swears that he changed none, and that he did not see any changed. Of the watchers and others who stood there during the election, not one says that he saw a ballot changed. Two witnesses testified that one of the inspectors dropped their ballots; and when he picked them up, they asked to look at them again before they were deposited in the box, and they were handed back to them, and they found that they were the same ballots, being for Kilian.

Besides this important negative proof, most of the voters examined as witnesses were asked whether they saw the ballots for Assembly which they handed to the inspectors deposited in the box. Nearly all answered that they did. Not one testified that he saw his ballot changed.

Against this conclusive case, the majority hold that the ballots must have been changed, because one of the inspectors, who was not shown ever to have done a wrong act, is young and poor; has a scanty wardrobe; was formerly in the employ of the commissioners of emigration; lives in a public house where liquor is sold; had not resided in the district for a month, at the time he was appointed inspector of election, and was present in the room of the committee during the examination of some of the witnesses, and gave a wrong name to one of the contestant's counsel, who sought to put him out. If these matters were all true, they would constitute no ground in the absence of any proof showing fraud, for throwing out the vote of a district. The proposition to disfranchise the people of an Assembly district, and force upon them a representative they have not chosen, upon such grounds as these, seems almost farcical.

It is difficult to regard it as seriously made. Least of all should the republican party, which has passed law after law providing that, in New York city, inspectors need not live in the election districts for which they act, object to an inspector because he had not so resided thirty days.

There is some discrepancy between the watchers and the canvassers as to who made the announcement of the Assembly vote. They agree that it was announced, but name different persons as making the announcement. The truth appears to be, that it was announced several times. It was announced and reannounced, and the vote was heard and known by all who were present. There was no variation, except as above stated, in respect to one vote for Harris.

There is a like difference as to who kept tallies of the votes canvassed. All agree, however, that the republican inspector (a man unfriendly to Frear, with whom he had had a personal difficulty), kept a tally, and that it accorded with the vote as announced and returned. Of all the persons present at the canvass, including the watchers, not one testified that there was any fraud in the canvass of the Assembly tickets, or that Kilian received more than sixty votes.

The contestant gave some proof as to irregularities in the canvass of the general ticket, which contained twenty-seven names, and was very difficult to canvass. But the incumbent, as it had nothing to do with his case, did not rebut it by any testimony upon the subject.

The only point in respect to the Assembly canvass, made in the testimony on behalf of the contestant, was an occurrence stated by the first witness he called. The witness testified that the republican canvasser, who first counted the tickets into tens, twice passed more than ten to the democratic inspector who next counted them; but they were immediately passed back to him. Twelve were passed instead of ten the last of the two times. In each case the mistake was corrected. The inspectors testify that there were two such occurrences, but that one was during the canvass of the Assembly ballots, when eleven were passed instead of ten, and the other during the canvass of the votes for Frear, when twelve were passed instead of ten, and the democratic inspector said, "Give the man what he is entitled to." Nothing could better show the weakness of the contestant's case than the attempt to magnify such trifling occurrences into matters of importance.

Being unable to adduce any direct proof of fraud, the contestant attempted to supply the deficiency with testimony by or about 103 persons, whom he alleges voted for him in that district. Before we consider the evidence upon this point, let us direct attention to some testimony presented to the committee by the contestant. Having personal knowledge of the matter, the counsel for the contestant (who, it must be remembered, is the presiding officer of the organization in the district recognized as regular, by the republican State convention), elicited the following significant facts: A young man, who was one of the democratic inspectors in the first district, was induced by other persons to go with them to the house of the said counsel and presiding officer. When there, some of the parties (not the inspector) wanted him to give them \$1,000 to throw out the vote of the first district. He refused to do that, but said he would give \$500; the parties could not agree, but left, the counsel and presiding officer saying to them as they went out, "We would like to have Kilian there anyhow, no matter how we get him there." This damaging testimony, called out by the contestant himself, with evident knowledge of its truth, was entirely uncontradicted. It is



a striking commentary upon the manner in which this contest has been prosecuted in respect to the twenty-fifth district. The money that was rejected in the first district was doubtless spent in the twenty-fifth.

The first thing done there was to send a notary round the district to procure affidavits by persons that they had voted for Kilian. It was proved that some of these affidavits were sworn to by persons who did not read them; but when once sworn to, the persons making them ceased to be free agents, but were in an iron cage, from which they could not escape, unless by flight, by having the courage to break out, or by coming before the committee and backing up the careless oaths into which they had been entrapped, by positive testimony.

To show how carelessly these affidavits were made, it need only be stated that every one of the persons making them swore positively, not only that he voted for Kilian, but that the ballot was indorsed "Assembly, number five." Probably not one out of ten of the persons who made those affidavits could possibly, unless told, have repeated that indorsement; yet they all swore to it just the same as if they had known the fact.

One old and respectable citizen came before the committee and testified that he had made one of those affidavits, without reading, upon being told that he swore that he voted the reform ticket. He afterwards ascertained beyond doubt that he voted for Frear. Another respectable citizen, a German democrat, who voted for Kilian, went to one of his countrymen and asked him to make an affidavit that he voted for Kilian. The man said he did not know for whom he voted, nor from whom he got his tickets. When the former afterwards learned that the other had made an affidavit that he voted for Kilian, he was disgusted, and, as an honest man should, denounced the whole proceeding.

We will now specify some of the 103 persons, who, under the circumstances we have stated, testified, or were testified about, in respect to their alleged votes for Kilian; some of whom even swore positively that they did not vote for him.

One testified that he did not live in the election district, and did not vote there.

Another was said to have made an affidavit that he voted for Kilian, but no person testified that he ever did.

Another was said to have gone to California, but there was no proof as to how he voted.

Another was proved to have removed to Easton, Pa., but there was no proof as to how he voted.

Two who were not examined as witnesses, selected tickets said to be for Kilian, at other houses than the place of the poll, but there was no proof beyond the belief of witnesses, that they voted the tickets so selected.

Another was said to have selected such a ticket, but was not proved to have voted for anybody.

Another was shown by the poll list not to have voted for Assembly.

Another testified that he got his tickets of a person in the street, and voted them without opening any except the senatorial.

Another who came forward as a witness, with the name of Kilian on a piece of paper, admitted that he copied it from the subpoena to attend as a witness, but even with that aid, testified that he voted for "Fithian."

Another testified that "to the best of his recollection and belief," he



voted for Kilian, and also for candidates for Senator and register but was equally positive that he only voted one ballot. (These three officers were on separate ballots.)

Another testified that he "presumed" that he had no Assembly ticket in his hand, when he voted, except for Kilian.

Another "thinks" he voted for Kilian.

Another "thought" the name was "Francis C." (not Frederick) Kilian, but "did not examine it particularly."

Another, who swore that he "never cared much about the election any way, to tell the truth," also testified that, while being examined, he remembered who he voted for for senator, but forgot the name before he could mention it.

Another testified that he could not say whether he voted for Harris or for Logan, or for whom; but he voted for some person indorsed by the Times newspaper. (There were twenty-one such persons, and the boundaries of Flammer's, Hawkins' and Moulton's districts were each within one thousand feet of this poll. There were also *seven* scattering votes for Assembly, of which no return was made.)

Another also testified that he voted for the candidate indorsed by the Times.

Another had no positive recollection of the name he voted for, but knew that he "wanted to put a republican in."

"Another said he could not swear that he had no doubt as to his vote, for he had Harris's tickets in his hand, and might have been mistaken.

Another testified positively that he would not swear whether he voted for Harris or Kilian.

Two others, when asked if they did not vote for Harris, answered, one: "I have forgotten all the names now, it is so long;" and the other: "I don't know whether I did or not."

Another swore that he voted for Kilian and for O'Brien and for Seigel, for the Assembly, but could not remember whether Kilian's name was on the State ticket; nor could he state whether he voted the democratic reform or the republican reform ticket, nor whether he intended to vote for Harris for the Assembly.

Another testified that he was overawed, when voting, by a "rough looking crowd of policemen," and then admitted that there were only two of them; he also testified that one of them might have had an arm five feet long; deliberately reiterating under oath that the statement was true.

Another testified that he had not a distinct recollection of the name, aside from his impression that he voted the reform ticket.

Another testified that he was sure he voted for Kilian because he was a German; because a friend gave him the name, and because he got tickets after the election and examined them.

Another testified that Kilian's name was on the reform State ticket, but he could not tell what other names were on it.

Another, when first applied to by a supporter of Kilian to make an affidavit that he voted for Kilian, said he did not know for whom he voted, yet he came up and testified that he knew he voted for Kilian, because "Frear had had a good thing of it, and he wanted some one else to have a good thing."

Another testified that after he selected his tickets he put them in his pocket where he had other tickets.

Another, who said there were eighteen names on the Assembly ticket, swore he knew that he voted for Kilian, because he was a German, and a respectable man, and he saw his name in the papers.

Another testified that he got his ticket at the regular reform party box, as he had done at previous elections; which was palpably false, as the reform party had not been formed at previous elections. He was also proved by another witness to have procured a ticket for Harris, and to have voted it.

Another testified that all he knew was that he "voted the whole reform ticket," and that a butcher named Kelley (who was not called as a witness), came by just before he voted, took his tickets, looked at them, and said they were all right.

Another testified on direct examination that he voted for Kilian, and on cross-examination that he voted for Frear.

Another came back, after he had been once examined, and testified that he had ascertained positively that he had voted for Frear, and was corroborated in this testimony by another witness.

Another testified that he voted the entire democratic reform ticket, and it was proved that Harris was the candidate of that party.

Another, who was a respectable clergyman, testified, that he could not say for whom he voted.

Another, who was also a respectable clergyman, testified, when first called, that he could not tell for whom he voted, and that he signed an affidavit but was not sworn to it; but when again called and confronted with the affidavit, said that he did swear to it, and that he voted for Kilian.

Eleven others each testified that they could not say how many names were on the Assembly ballot. [It only contained one name.]

All of the above specified persons were included in the 103 persons claimed by the contestant to have voted for him; and all but the first five of them are included in the ninety-eight whom the majority say were "proved" to have voted for him. Besides those we have above specified, there were others who testified as to their votes with such a manifest want of actual knowledge, that it cannot be said that it was proved that they voted for Kilian. But, deducting the forty-eight above specified from the 103 claimed to have voted for him, and there are only fifty-five left, being five less than the number who did vote for him as shown by the returns. This is surely a very poor exhibit, after the election district had been raked in various ways, by a contestant whose council was willing to pay \$500 a district "to have Kilian anyhow, no matter how we get him there."

It is certain that no attempt has ever before been made in this State to unseat a member of the Legislature upon such a state of facts.

In the case of Clausen against Van Brunt, in 1868, in one district 342 votes were polled, of which Van Brunt was given 254, Clausen 47, and other candidates 41. The committee took the testimony of 221 of the voters, and only two of them testified that they voted for Van Brunt, or would have done so. Under such circumstances the vote of the district was rejected as fraudulent. But even then, ex-Speaker Pitts, in his minority report, eloquently urges that such a course ought never to be adopted. He says: "It is respectfully but earnestly insisted that no such precedent should be established. The mischief which would spring from it would by far counterbalance its benefits. It would open every closely contested election to what would virtually amount to a new election.

The contest would be changed from the ballot-box to the witness-box, and the frauds and perjuries of the election would be repeated before the tribunals investigating the same. The change of a few venal voters from one side of the contest to the other, might entirely change the result of a fair election, whenever the case was a closely contested one, and the reliance of the contestants would be upon the weakness or corruption of purchaseable witnesses, rather than upon fair proof of the ballot of the voter."

The wrong attempted in this case is made greater by the fact that there were two other democratic candidates who received over 1,000 votes. The decided preference manifested by such of their supporters as appeared before the committee, for Mr. Frear rather than Mr. Kilian, leaves no doubt that the latter is more than 1,000 in the minority in the Assembly district. The republican majority in the Assembly is surely large enough, without forcing, not only without but against evidence, a republican representative upon a district so strongly democratic. We respectfully submit the following resolution :

*Resolved*, That Alexander Frear is entitled to the seat now occupied by him as a member of Assembly from the fifteenth district of the city and county of New York.

DAVID B. HILL.  
WILLIAM W. MOSELEY.

ALBANY, *February* 28, 1872.

Debate was had thereon, when

Mr. Alvord moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker put the question whether the House would agree to said motion of Mr. D. B. Hill, and it was determined in the negative.

{ AYES 15 }  
{ NOES 76 }

Those who voted in the affirmative, were

|         |          |            |            |                |
|---------|----------|------------|------------|----------------|
| Blair   | Chambers | Dunphy     | G. D. Lord | Ray            |
| Buckley | Cook     | A. Hill    | Moseley    | Roche          |
| Buell   | Couchman | D. B. Hill | Osgood     | M. M. Tompkins |

Those who voted in the negative, were

|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| Abbott      | Fowler      | Kingsland  | Niles      | Squires         |
| Alberger    | Geib        | Knapp      | Paige      | Strahan         |
| Alvord      | Goss        | Knettles   | Pell       | Swain           |
| Badeau      | Green       | Lewis      | Pierce     | D. Tompkins     |
| Beckwith    | Gregory     | Lincoln    | Preston    | Tucker          |
| Bennett     | Haight      | G. P. Lord | Prince     | Twombly         |
| Berri       | Hawkins     | Lott       | Rose       | A. L. Van Dusen |
| E. E. Brown | A. L. Hayes | Loughran   | Sage       | W. J. Van Dusen |
| I. D. Brown | Herrick     | Lynde      | Shepardson | Wells           |
| Burns       | Holdridge   | Mackay     | Simson     | West            |
| Burritt     | Hollister   | Marcy      | Smiley     | White           |
| Crandall    | Houghton    | Moore      | Smith      | Whitaker        |
| Davidson    | Hungerford  | Morton     | Sniper     | Woolsey         |
| Enos        | Husted      | Moulton    | Speaker    | Wymen           |
| Flammer     | Kennedy     | Murdock    | Springsted | Yeomans         |
| Fort        |             |            |            |                 |

When the name of Mr. Bemus was called he asked to be and was excused from voting for the reason that he had paired with Mr. Jacobs, who was absent.



Mr. Speaker put the question whether the House would agree to the report and resolution of the majority of said committee, and it was determined in the affirmative.

{ AYES 76 }  
{ NOES 15 }

Those who voted in the affirmative, were

|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| Abbott      | Fowler      | Kingsland  | Niles      | Squires         |
| Alberger    | Geib        | Knapp      | Paige      | Strahan         |
| Alvord      | Goss        | Knettles   | Pell       | Swain           |
| Badeau      | Green       | Lewis      | Pierce     | D. Tomkins      |
| Beckwith    | Gregory     | Lincoln    | Preston    | Tucker          |
| Bennett     | Haight      | G. P. Lord | Prince     | Twombly         |
| Berri       | Hawkins     | Lott       | Rose       | A. L. Van Dusen |
| E. E. Brown | A. L. Hayes | Loughran   | Sage       | W. J. Van Dusen |
| I. D. Brown | Herrick     | Lynde      | Shepardson | Wells           |
| Burns       | Holdridge   | Mackay     | Simson     | West            |
| Burritt     | Hollister   | Marcy      | Smiley     | White           |
| Crandall    | Houghton    | Moore      | Smith      | Whitaker        |
| Davidson    | Hungerford  | Morton     | Sniper     | Woolsey         |
| Enos        | Husted      | Moulton    | Speaker    | Wyman           |
| Flammer     | Kennedy     | Murdock    | Springsted | Yeomans         |
| Fort        |             |            |            |                 |

Those who voted in the negative, were

|         |          |            |            |                |
|---------|----------|------------|------------|----------------|
| Blair   | Chambers | Dunphy     | G. D. Lord | Ray            |
| Buckley | Cook     | A. Hill    | Moseley    | Roche          |
| Buell   | Couchman | D. B. Hill | Osgood     | M. M. Tompkins |

On motion of Mr. D. B. Hill, the privileges of the floor for the remainder of the session were extended to Hon. Alexander Frear.

Pursuant to the eighteenth rule, Mr. Speaker referred the following Assembly bills to the committee on local and special laws :

“An act to incorporate the Moose River Improvement Company.”

“An act to provide for the purchase of a steam fire-engine in the village of Tonawanda, Erie county, and for the more effectual protection of said village against fires.”

“An act relative to the laying out and opening of Madison avenue north of 120th street, in the city of New York.”

“An act to authorize the construction of a bridge over the Chenango canal at the village of Solsville, in the county of Madison.”

In connection therewith, by unanimous consent, Mr. Husted offered for the consideration of the House a preamble and resolution, in the words following, to wit:

*Whereas*, By order of this House, a committee has been appointed, to which shall be referred all bills of a local character, for the purpose of ascertaining and reporting whether, in the opinion of said committee, the objects sought to be accomplished cannot be attained by general laws; and

*Whereas*, Such examination will involve a large amount of investigation and comparison of existing laws, and frequent reference to the books in the State, Senate and Assembly libraries, and that a clerk and messenger would greatly facilitate in the discharge of the arduous and responsible duties devolved upon said committee by this House, therefore

*Resolved*, That J. B. Swain be appointed clerk, and John H. Bennett, messenger, to said committee, and that the compensation of said clerk shall be \$5 per diem, and of the messenger \$3 per diem, from the time of the appointment of said committee, until the close of the session.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

{ AYES 68 }  
{ NOES 2 }

Those who voted in the affirmative, were

|             |            |            |            |                 |
|-------------|------------|------------|------------|-----------------|
| Alvord      | Davidson   | Kingsland  | Paige      | Swain           |
| Badeau      | Enos       | Knettles   | Pell       | D. Tomkins      |
| Beckwith    | Flammer    | Lewis      | Pierce     | M. M. Tompkins  |
| Bemus       | Fort       | G. D. Lord | Prince,    | Tucker          |
| Bennett     | Fowler     | G. P. Lord | Sage       | Twombly         |
| Berri       | Goss       | Lott       | Shepardson | A. L. Van Dusen |
| Blair       | Hawkins    | Loughran   | Simson     | W. J. Van Dusen |
| E. E. Brown | A. Hill    | Lynde      | Smith      | West            |
| Buell       | D. B. Hill | Mackay     | Sniper     | White           |
| Burritt     | Holdridge  | Marcy      | Speaker    | Whitaker        |
| Chambers    | Hollister  | Moore      | Springsted | Woolsey         |
| Cook        | Houghton   | Morton     | Squires    | Wyman           |
| Couchman    | Husted     | Moulton    | Strahan    | Yeomans         |
| Crandall    | Kennedy    | Murdock    |            |                 |

Those who voted in the negative, were

Green                      Rose

A message from the Senate was received and read, in the words following, to wit:

IN SENATE, *March 1, 1872.*

*Resolved* (if the Assembly concur), That a respectful message be sent to the Governor, requesting him to return Assembly bill No. 128, entitled "An act to amend chapter 576 of the Laws of 1870, entitled 'An act to provide for the introduction of the European system of steam towage upon the canals,' for the purpose of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing that the Assembly have passed the same.

On motion of Mr. G. D. Lord, and by unanimous consent,

*Resolved*, That the committee on the affairs of cities be discharged from the further consideration of the bill entitled "An act to exempt the city of Rochester from the operations of certain railroad laws," and that the same be referred to the standing committee on railroads.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to legalize and confirm the official acts of Gaylord S. Graves, a justice of the peace of the town of Bainbridge, in the county of Chenango," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act relating to and extending the jurisdiction of the court of common pleas for the city and county of New York, the superior court of the city of New York, the superior court of Buffalo and the city court of Brooklyn, and providing for the removals, in certain cases,

of causes and proceedings from said courts to the supreme court, and from the supreme court to said courts," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. D. B. Hill dissented from said report.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to ascertain, by proper proofs, who are entitled to vote upon certificates of naturalization purporting to have been issued within the city and county of New York by the supreme court during the month of October in the year 1868, and by the superior court during the months of September and October of said year," reported the same, with amendments, to the House for consideration; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to regulate the rate of interest upon money, and providing penalties for reserving or receiving unlawful interest," reported in favor of the passage of the same, with amendments, and the title amended so as to read as follows: "An act in relation to the rate of interest upon money, and providing penalties for reserving or receiving unlawful interest;" which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act granting to the West Shore Land and Improvement Company further powers," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act making election days legal holidays," reported in favor of the passage of the same with amendments, and the title amended so as to read as follows: "An act to declare the day for holding the general election a public holiday;" which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Industrial Exhibition Company, and to authorize said company to purchase real estate in the city of New York, and to erect a building or buildings which shall be used as an Industrial Exhibition,' passed April 21, 1870," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to provide in relation to absolute divorces and dissolution of the marriage contract," reported in favor of the passage of the same, with amendments; and with the title amended so as to read as follows: "An act in relation to absolute divorces and dissolution of the marriage contract," which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the formation of new corporations to succeed to the franchises and property of corporations whose franchises and property shall have been sold by mortgage, judgment or decree," reported in favor of the passage of the same, with amendments, and the title amended so as to read as follows: "An act relative to purchase of the franchises and property of corporations whose franchises



and property shall have been sold under mortgage, judgment or decree;" which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to repeal chapter 569 of Laws of 1869, relating to sheriffs' fees," reported in favor of the passage of the same with amendments, and the title amended so as to read as follows: "An act to amend an act entitled 'An act in relation to the fees of the sheriff of the city and county of New York, and to the fees of referees in sales in partition cases,' passed May 4, 1869;" which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act relative to the expenditure of moneys by boards of supervisors," reported the same, with amendments, to the House for consideration; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the Senate bill entitled "An act to authorize the surrogate of Albany county to issue letters of administration of the personal estate which was of Charles D. Mills, deceased, to his widow, Elizabeth P. Mills," reported the same to the House for consideration; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to provide additional causes for absolute divorces and dissolution of marriages," reported adversely thereto, which report was agreed to.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to facilitate the proof of incorporations in the courts of this State," reported adversely thereto, which report was agreed to.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to amend title 3 of chapter 4, part 2 of the Revised Statutes, relative to the interest of money," reported adversely thereto, which report was agreed to.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act requiring mortgages of personal property to be filed in the town clerk's and other offices,' passed April 29, 1833," reported adversely thereto, which report was agreed to.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to amend title second of chapter seventh, part second of the Revised Statutes relating to mortgages of goods and chattels," reported adversely thereto; which report was agreed to.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the district courts in the city of New York," reported adversely thereto; which report was agreed to.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to change the name of Martha Rosa Stopfel of Rose, Wayne county, New York, to Martha Rosa Dickson," reported adversely thereto.

Pending the consideration of said report,

On motion of Mr. Rose, at 3 o'clock and 15 minutes, the House adjourned.

## SATURDAY, MARCH 2, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Love.

The journal of yesterday was read and approved.

Mr. Smyth, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act in relation to the village of Canandaigua, and to provide a police justice and police constables in said village, and defining their jurisdiction, power and duties."

Leave of absence was granted to Mr. Pell until Tuesday, and to Messrs. E. E. Brown, I. D. Brown, Green and Hyatt until Wednesday evening.

The private secretary of the Governor appeared in the Assembly chamber and presented a communication from the Governor, in the words following:

EXECUTIVE CHAMBER, }  
ALBANY, March 2, 1872. }

*To the Legislature:*

I call your attention to the second section of an act of Congress, passed in 1864, (chapter 210 of the Laws of that year) under which an invitation was extended, through the President, to the States of the Union to provide and furnish statues, not exceeding two in number for each State, of deceased persons who have been citizens thereof and illustrious for their historic renown, or for distinguished civic or military services; which statues are to be placed in a hall in the capitol at Washington, set apart by Congress for the purpose, being the former hall of the House of Representatives. It has only recently been made known to me that this invitation was, in 1864, received from the President.

Some of the States have already complied with this request of the federal government; others have made arrangements for doing so; and it seems to me that our own great State ought not to be behind hand in contributing to this proper commemoration, at the federal capital, of men who have conferred distinction upon our country.

I commend to your consideration the propriety of making immediate provision for the accomplishment, on the part of this State, of its share of the work proposed.

Without wishing to interfere with the discretion of the Legislature in the matter, I respectfully suggest that, in case you decide to furnish the two statues, your choice may, with great propriety, fall upon George Clinton, who was the first Governor of the State and whose public services in the revolutionary period of our history were of marked merit; and upon Robert Fulton, who, in private station, contributed, in a very eminent degree, as well to the renown as to the prosperity of New York.

JOHN T. HOFFMAN.

Ordered placed upon the journal and referred to the committee on ways and means.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act to amend an act entitled 'An act to incorporate the National Trust Company of the city of New York,' passed April 19, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act to appoint commissioners to investigate and examine into the pecuniary affairs and condition of the several State prisons, and State reformatory at Elmira, of this State, and to report thereon, and also to suggest such laws, rules and regulations as they may deem proper for the better regulation and discipline of said prisons, to the Comptroller of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

"An act authorizing the town of Little Valley, Cattaraugus county, to issue bonds to pay its indebtedness incurred in the building of the courthouse and jail in said town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to incorporate the Walden Savings Bank," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on banks.

"An act to amend an act entitled 'An act to incorporate the New York Life Insurance and Trust Company,' passed March 9, 1830, and the act amendatory thereof, passed May 2, 1834," which was read the first time, and by unanimous consent was also read the second time.

Mr. Husted moved to refer said bill to the committee of the whole, an Assembly bill on said subject being now in said committee.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act to repeal chapter 337 of the Laws of 1865, entitled 'An act to prevent manufacturers of fish guano and oil from emptying their refuse waters into the harbors and bays of Suffolk county,' passed April 8, 1865."

"An act to prevent the cutting or taking of ice from Chautauqua lake at certain points therein."

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Speaker presented a communication from the Superintendent of the Insurance Department in the words following, to wit:

INSURANCE DEPARTMENT, {  
ALBANY, March 1, 1872. }

*To the Hon. the Legislature of the State of New York:*

In the absence of the superintendent, the deputy superintendent herewith transmits to the Assembly the testimony and the report of the superintendent in the matter of the investigation of the Mutual Life Insurance Company of New York.

The deputy superintendent begs to state that the resolution of the Assembly of February 17th was not left at the Insurance Department until the 26th, and was not seen by the superintendent until the 27th, the date of his communication in reply thereto; and that the only reason why the superintendent did not transmit the original testimony was that the resolution was in the alternative, to send the testimony or a copy,



and he simply desired to know whether it was the pleasure of the House to give time for a copy to be made, or to require the original copy to be transmitted, and to comply, at the earliest possible moment, with the requirement of the House when duly ascertained.

Very respectfully,

GEO. B. CHURCH,

*Deputy Superintendent.*

On motion of Mr. Alvord, said communication and report was referred to the committee on insurance.

By unanimous consent Mr. Wyman offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That Senate bill No. 87, entitled "An act to authorize the city of Watertown to borrow money and issue its bonds therefor to liquidate present indebtedness," now have its third reading.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Fort       | Kennedy    | Murdock    | Speaker         |
| Alberger      | Goss       | Kingsland  | Niles      | Squires         |
| Alvord        | Green      | Knapp      | Osgood     | Swain           |
| D. L. Babcock | Greenhalgh | Knetties   | Pell       | D. Tomkins      |
| Badeau        | Gregory    | Lewis      | Pierce     | M. M. Tompkins  |
| Beckwith      | Haight     | Lincoln    | Preston    | Tucker          |
| Berri         | Hawkins    | G. P. Lord | Roche      | A. L. Van Dusen |
| E. E. Brown   | J. Hayes   | Lott       | Rose       | W. J. Van Dusen |
| I. D. Brown   | Herrick    | Loughran   | Sage       | Wells           |
| Buckley       | A. Hill    | Lynde      | Shepardson | Whitbeck        |
| Buell         | D. B. Hill | Mackay     | Simson     | White           |
| Burritt       | Holdridge  | Marcy      | Smiley     | Whitaker        |
| Chambers      | Hollister  | Moore      | Smith      | Wiley           |
| Couchman      | Houghton   | Morton     | Smyth      | Woodward        |
| Crandall      | Hungerford | Moseley    | Sniper     | Wyman           |
| Davidson      | Husted     | Mosher     |            |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

By unanimous consent, Mr. Alvord offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That Senate bill entitled "An act to amend an act entitled 'An act to incorporate the city of Cohoes,' passed May 19, 1869, and the act amendatory of the same, passed May 11, 1871," now have its third reading.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the

final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Fort        | Kennedy    | Niles      | Squires         |
| Alberger      | Goss        | Kingsland  | Osgood     | Swain           |
| Alvord        | Green       | Knettles   | Pell       | D. Tomkins      |
| D. L. Babcock | Greenhalgh  | Lewis      | Pierce     | M. M. Tompkins  |
| Badeau        | Gregory     | Lincoln    | Preston    | Tucker          |
| Beckwith      | Haight      | G. P. Lord | Roche      | Twombly         |
| Berri         | Hawkins     | Lott       | Rose       | A. L. Van Dusen |
| E. E. Brown   | A. L. Hayes | Loughran   | Sage       | W. J. Van Dusen |
| I. D. Brown   | Herrick     | Lynde      | Shepardson | Wells           |
| Buckley       | A. Hill     | Mackay     | Simson     | Whitbeck        |
| Buell         | D. B. Hill  | Marcy      | Smiley     | White           |
| Burritt       | Holdridge   | Moore      | Smith      | Whitaker        |
| Chambers      | Hollister   | Morton     | Smyth      | Wiley           |
| Couchman      | Houghton    | Moseley    | Sniper     | Woodward        |
| Crandall      | Hungerford  | Mosher     | Speaker    | Wyman           |
| Davidson      | Husted      | Murdock    |            |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

Pursuant to the ninth joint rule, Mr. Speaker announced the order of business third reading of bills.

Mr. Alvord moved to lay said order of business upon the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. I. D. Brown presented a petition of citizens of the town of Mentz, for a vertical wall in the Erie canal at Port Byron; which was read and referred to the committee on canals.

Mr. Greenhalgh presented a remonstrance of two hundred citizens of the town of Duaneburgh, in the county of Schenectady, against any change in the boundary lines of said town; which was read and referred to the committee on civil divisions.

Mr. Preston presented a petition of Chas. H. Lee and others, of Silver Creek, Chautauqua county, asking an appropriation for the draining of Conewango swamp; which was read and referred to the committee on internal affairs.

Mr. D. L. Babcock presented a petition of John Phillips for relief; which was read and referred to the committee on ways and means.

Messrs. D. L. Babcock and Herrick presented several petitions of citizens of Greenbush and Albany for an act incorporating the Albany and Greenbush Bridge Company; which were read and referred to the committee on commerce and navigation.

Mr. Morton presented a petition of five hundred citizens and tax-payers of Brooklyn, asking for the passage of the act calling a convention to revise the laws relating to the city of Brooklyn and the county of Kings; which was read and referred to the committee on the affairs of cities.

Mr. Lynde presented a remonstrance of H. S. Joy and one hundred and seventy-five citizens of the town of Norfolk, against an act to legalize the acts of a recent town meeting in the purchase of a town hall and site; which was read and referred to the committee on the judiciary.

Mr. Morton presented eight petitions for reduced rates of ferriage

between Brooklyn, E. D., and the city of New York; which were read and laid on the table.

Messrs. Prince and Husted presented two petitions of citizens of the State of New York, praying for an amendment to the Military Code; which were read and referred to the committee on the militia.

Mr. Speaker presented a petition of the officers and privates of the Albany Military Association to so amend the laws as not to limit by color the men who shall serve in the militia, and to authorize the organization of colored companies, battalions, and regiments, as part of the National Guard of the State of New York; which was read and referred to the committee on the militia.

Messrs. Murdock, Preston, Smyth, Shepardson, Knottles, Lewis, Goss, Simson, Abbott, Chambers, Houghton and D. L. Babcock, severally, presented thirty-six remonstrances from various parts of the State against legislative interference with the management of the Erie Railway Company; which were read and referred to the committee on railroads.

Mr. Kennedy presented the petition of the president and directors of the Rochester and Pine Creek railroad, praying that the town of Perry may receive all taxes paid upon the valuation of said railroad in the towns of Gainesville and Castile, Wyoming county; which was read and referred to the committee on internal affairs.

The order of business of "reports of standing committees" being announced,

Mr. Speaker stated the question to be upon the report of the committee on the judiciary, in the words following:

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to change the name of Martha Rosa Stopfel, of Rose, Wayne county, New York, to Martha Rosa Dickson," reported adversely thereto; which report was agreed to.

Mr. Alvord, from the committee on ways and means, to which was referred the bill entitled "An act making an appropriation of money to assist the Indians on the Cattaraugus reservation to erect a temperance hall," reported adversely thereto; which report was agreed to.

Mr. D. L. Babcock, from the committee on commerce and navigation, to which was recommended the bill entitled "An act to incorporate the Fire Island Hotel, and establish ferries across Fire Island or Great South Bay, in Suffolk county," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole, retaining its place on general orders.

Mr. Fort, from the committee on canals, to which was referred the petition of T. H. Murphy, praying for a copy of law to provide for the introduction of steam towage upon the canals of this State," reported that the request has been complied with.

*Ordered*, Entered on the journal.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to amend chapter 195 of the Laws of 1846, entitled 'An act to authorize the New York and New Haven Railroad Company to extend their railroad from the Connecticut line to the New York and Harlem railroad,' passed May 11, 1846," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize



the formation of railroad corporations and to regulate the same,' passed April 2, 1850," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act relative to Hudson Suspension Bridge and New England Railway Company, and authorizing the extension of its road," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend chapter 907, of the Laws of 1869, entitled An act to amend an act entitled An act to authorize the formation of railroad corporations, and to regulate the same, passed April 2, 1850, so as to permit municipal corporations to aid in the construction of railroads,' and also to amend chapter 507, of the Laws of 1870, entitled 'An act to define the powers of commissioners appointed under chapter 907, of the Laws of 1869, bonding municipalities to aid in the construction of railroads,' passed May 12, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. G. P. Lord, from the committee on public education, to which was referred the petition to change and fix the number of trustees of the Attica union free school and academy, reported a bill entitled "An act to change and fix the number of trustees of the Attica union free school and academy," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Loughran, from the committee on public health, to which was referred the resolution relative to investigating street cleaning contract of the city of New York, reported in favor of the adoption of the following substitute:

*Whereas*, The answer of the street cleaning commission of the city of New York to a resolution of the Assembly, passed January 25, 1872, does not fully comply with said resolution; therefore,

*Resolved*, That the committee on public health be and they are hereby directed to investigate and examine into the workings of the street cleaning contract in the city of New York, and all matters connected therewith and appertaining thereto; also into the street cleaning performed under the direction of the department of public health, and all matters connected therewith and appertaining thereto; also into the street cleaning performed under the provisions of section 7, chapter 541 of the Laws of 1871, and all matters connected therewith and appertaining thereto.

*Resolved*, That the committee have power to send for persons and papers, without expense to the State, excepting the service of legal process.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Morton, from the committee on the affairs of cities, to which was referred the bill entitled "An act to establish a department of police and health in and for the city of Brooklyn," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Morton, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to the fire department of the

city of Brooklyn, and to reorganize the same," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Morton, from the committee on the affairs of cities, to which was referred the bill entitled "An act to create in the city of Brooklyn and county of Kings the department of public charities and correction, and to abolish the office of commissioners of charities of the county of Kings," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Sniper, from the committee on the militia, to which was referred the bill entitled "An act to amend chapter 80 of the Laws of 1870, entitled 'An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defense, and entitled the Military Code,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Sniper, from the committee on the militia, to which was referred the bill entitled "An act to incorporate the veterans of the Ninth regiment, First division, National Guard, State of New York," reported adversely thereto, which report was agreed to.

Mr. Sniper, from the committee on the militia, to which was referred the Senate bill entitled "An act supplementary to, and amendatory of, chapter 80 of the Laws of 1870, entitled 'An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defense, and entitled the Military Code,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to repeal an act to grade and macadamize the Westchester turnpike and post-road appointing commissioners by chapter 549 of the Laws of 1868, and the acts amendatory thereof," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to authorize the construction of a bridge over the Sing Sing Kill, in the village of Sing Sing," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act in relation to a part of Mamaroneck avenue, in the town of Mamaroneck, in the county of Westchester," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act in relation to Union avenue, in the towns of Mamaroneck and Rye, in the county of Westchester," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act relating to certain non-resident highway taxes," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to authorize the construction of a bridge



over Tunison creek, in Richmond county," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to erect the village of Greenville into a separate road district," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act authorizing the formation of a separate road district in the town of Jay, county of Essex," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to provide for reopening West avenue in Long Island City, Queens county," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to repeal so much of chapter 640, Laws of 1870, as relates to non-resident lands in the county of Franklin," reported in favor of the passage of the same, which report was agreed to and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the making and opening of a road or avenue from the intersection of the highway running east of Rockland lake with the highway running from the lake to Rockland Lake Landing, in the county of Rockland, to intersect the highway running from upper Piermont to Orangeburgh,' passed April 21, 1871, and to extend said Highland avenue south to State line," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend an act entitled 'An act to establish a turnpike corporation for improving the road from the springs in Lebanon to the city of Albany, and a like corporation for improving the road from the village of Bath to the Massachusetts line, and for repealing the act therein mentioned,' passed April 1, 1799, and various acts amendatory thereof," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to repeal chapter 549 of the Laws of 1868, and also the act supplementary thereto, chapter 628 of the Laws of 1870, relating to the Westchester turnpike and post-road," reported adversely thereto, which report was agreed to.

Mr. Lippitt, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to revise the Gypsum Cemetery Association, in Ontario county," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lippitt, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the Fresco Painters' Benevolent and Protective Union, of the city and county of New



York," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lippitt, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the Port Jervis Mænnerchor, of the village of Port Jervis, Orange county," reported in favor of the passage of the same, with an amendment; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lippitt, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the trustees of the Home for the destitute children of Madison county," reported in favor of the passage of the same, which report was agreed to and said bill committed to the committee of the whole.

Mr. Lippitt, from the committee on charitable and religious societies, to which was referred the Senate bill entitled "An act to authorize the trustees of the Black River Annual Conference to pay and transfer to the trustees of Central New York Conference certain funds and property," reported in favor of the passage of the same, which report was agreed to and said bill committed to the committee of the whole.

Mr. Smiley, from the committee on public printing, to which was referred the resolution to print extra copies of the Assembly document No. 54, reported in favor of the adoption of the following resolution:

*Resolved*, That 1,000 copies of Assembly document No. 54, being a list of boarding places of the members and officers of the Assembly, be printed for the use of the Legislature.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. A. L. Hayes, from the committee on the judiciary, to which was referred the Senate bill entitled "An act to provide for the rehearing by the Comptroller of the appeal in the matter of the town of Floyd, in the county of Oneida, against the board of supervisors of said county," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to repeal chapter 907 of the Laws of 1869, entitled 'An act to amend an act entitled "An act to authorize the formation of railroad companies and to regulate the same," passed April 2, 1850, so as to permit municipal corporations to aid in the construction of railroads,' passed May 18, 1869, and the several acts amendatory thereof," reported adversely thereto, which report was agreed to.

Mr. Yeomans, from the committee on agriculture, to which was referred the bill entitled "An act to incorporate the Utica Park Association," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Yeomans, from the committee on agriculture, reported a bill entitled "An act to amend 'An act to encourage the organization of town agricultural societies,' passed April 14, 1869," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Marcy, from the committee on ways and means, to which was referred the petition of citizens of Suffolk county, praying for an appropriation for the improvement of Peconic river," reported by bill entitled "An act making an appropriation for the improvement of the navigation

of Peconic river, in the county of Suffolk," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Alvord dissented from said report.

Mr. Mosher introduced a bill entitled "An act to provide for the grading and improvement of a public highway in the town of Watervliet, commonly known as the Troy and Schenectady turnpike, and to authorize the board of supervisors of the county of Albany to levy a tax therefor upon the taxable property of said town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. D. L. Babcock introduced a bill entitled "An act to amend the act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Fowler introduced a bill entitled "An act to amend an act entitled 'An act to amend article 4 of title 4 of chapter 11 of part 1 of the Revised Statutes, 'Of division and other fences,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

Mr. Shepardson introduced a bill entitled "An act to suppress lotteries and the sale of lottery tickets or policies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Squires introduced a bill entitled "An act for the extension of the Utica, Chenango and Cortland railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act to incorporate the Mazzaroth Society, of Cortland village," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

Mr. Wiley introduced a bill entitled "An act to release the interest of the people of this State in certain lands to Sarah Mann, and to authorize her to hold and convey the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on petitions of aliens.

Mr. Pierce introduced a bill entitled "An act to repeal chapter 100, Laws of 1858, entitled 'An act to construct a highway from the old State road, in Essex county, to the Port Kent and Hopkinton turnpike, in Franklin county,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Also, a bill entitled "An act to establish a special road district in Franklin county, and appropriate certain non-resident taxes for the construction and repairing of roads in the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Knapp introduced a bill entitled "An act to amend an act entitled 'An act to amend title 16 chapter 8 part 3 of the Revised Statutes relative to proceedings for the drainage of swamps, marshes and other low or wet lands, and for draining farm lands,' passed May 12,



1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Knapp moved that said bill be printed immediately and placed on the files.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. A. Hill introduced a bill entitled "An act in relation to dower and to actions and proceedings for the recovery of dower," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Berri introduced a bill entitled "An act to incorporate the Brooklyn Rapid Transit Railway Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Kennedy introduced a bill entitled "An act giving to the town of Perry, in Wyoming county, the benefit of all taxes, except school and road taxes, which may be levied and collected for the next thirty years, upon the valuation of so much of the Rochester and Pine Creek railroad as lies in the towns of Castile and Gainsville in said county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. G. D. Lord introduced a bill entitled "An act to authorize the construction of a swing-bridge over the Erie canal in the city of Rochester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Pell introduced a bill entitled "An act to amend chapter 855 of the Laws of 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Hawkins introduced a bill entitled "An act to provide for the appointment of the captain of the port, and harbor-masters of the port of New York, and to define and regulate their powers, duties and compensation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Whitbeck introduced a bill entitled "An act for a change of grade of the New York and Harlem Railroad Company, and for the security of travel on Fourth avenue, in the city of New York, between Forty-second street and the Harlem river," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act providing for the copying of certain books in the office of the clerk of the city and county of New York, in which judgments and decrees are required by law to be docketed," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to facilitate the opening of certain streets in the city of New York, and to establish the scale of costs and expenses in street openings in said cities; which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to authorize notaries public to act for counties other than those for which they may be specially appointed,"



which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Twombly introduced a bill entitled "An act to provide for retiring the capital stock of certain life insurance companies, and distributing the profits of their business among policy-holders," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

Also, a bill entitled "An act to abolish the district courts in the city of New York, and to create and establish in place thereof the justices' courts in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to abolish the marine court of the city of New York, and to create and establish the municipal court of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Hungerford introduced a bill entitled "An act to establish a board of police and fire commissioners for the city of Utica," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Moore introduced a bill entitled "An act to amend an act to incorporate the city of Ogdensburgh, passed April 27, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Rose introduced a bill entitled "An act to amend chapter 90, Laws of 1869, being an act entitled "An act to provide for the improvement of navigation of the Racket river, and of the hydraulic power thereon and to check freshets therein, passed April 2, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Lynde introduced a bill entitled "An act to amend an act entitled 'An act to provide for the improvement of Grass river, and of the water thereon, and to check freshets therein,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Also, a bill entitled "An act to authorize the town of Canton to aid in the construction of a reservoir upon the head waters of Grass river, and to legalize the action of the special town meeting of the town of Canton, held February 24, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Houghton introduced a bill entitled "An act authorizing the election of a receiver of taxes and assessments for the town and village of Saratoga Springs," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act for relief to the men drafted and mustered into the service of the United States, or who paid commutation money in lieu thereof, from the several towns in the county of Saratoga, passed in 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Mr. Gregory introduced a bill entitled "An act to authorize the con-

struction of a railroad from the village of Watkins to the village of Havana, in the county of Schuyler, and in and through the streets of said villages," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Smyth introduced a bill entitled "An act to compel parents and guardians to improve the advantages afforded by the common and union schools of the State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

Mr. Husted introduced a bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to reduce the number of town officers, and town and county expenses, and to prevent abuses in auditing town and county accounts,' passed May 10, 1845, passed December 14, 1847," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act to amend an act entitled 'An act to enable the several highway districts in the town of Greenburgh, Westchester county, west of or through which the highway known as the late Highland turnpike runs, to macadamize and otherwise improve public highways within their respective districts,' passed April 22, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Also, a bill entitled "An act to amend chapter 534 of the Laws of 1871, entitled 'An act relative to the improvement of certain portions of the counties of Westchester and New York, including provisions for communication between said counties, and for the improving the navigation of Harlem river and Spuyten Duyvil creek,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Miles introduced a bill entitled "An act to authorize Isabella Isler, wife of John Isler, Adelle Isler, wife of Charles Isler, and Josefa Isler, wife of Alfred Isler, to hold, devise and convey certain real estate in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the petitions of aliens.

Also, a bill entitled "An act to enable the supervisor of the city of New York to raise money by tax," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act to provide better traveling facilities between the counties of New York and Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act to authorize the United Petroleum Farms Association to dispose of the proceeds of its real estate," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trade and manufactures.

Mr. Badeau introduced a bill entitled "An act to amend an act entitled 'An act authorizing the election of trustees of public lands in the town of East Chester, and defining their duties,' passed May 11, 1846," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.



Mr. Morton introduced a bill entitled "An act in relation to the Williamsburgh Dispensary, to change the corporate title thereof, and to define and enlarge its powers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Couchman introduced a bill entitled "An act to provide for supplying the village of Cobleskill, Schoharie county, with pure and wholesome water," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Smiley introduced a bill entitled "An act to provide for the care and maintenance, by the Canal Commissioners, of certain bridges over a portion of the Black river used for canal purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Marcy introduced a bill entitled "An act to amend chapter 463 of the Laws of 1863, entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

Also, a bill entitled "An act to amend an act entitled 'An act for the protection of the planting of oysters in the coves of Islip and Huntington, in the county of Suffolk, New York,' passed March 31, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act to provide building sites for life saving stations on the coast of Long Island, State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

On motion of Mr. A. Hill,

*Resolved*, That when this House adjourn to-day it adjourn to meet at half past seven o'clock P. M., on Monday next.

Mr. Loughran offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That Assembly bill No. 244, entitled "An act exempting the town of Rochester, in the county of Ulster, from bonding for railroad purposes," be referred to the first committee of the whole, not full.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Moulton offered for the consideration of the House a resolution, in the words following, to wit:

*Whereas*, It appears by the accompanying petition and protest to this Legislature, signed by Franz Ruygart, Jacob Robinson and 124 others, that a vast pestiferous manure depot has been created and established along the East river front, in the city of New York, extending from Forty-fourth to Forty-seventh streets, in close proximity to a densely settled portion of said city, which depot is not only damaging to the surrounding property, but exceedingly deleterious and dangerous to the health and comfort of the many thousands residing in the vicinity thereof; and

*Whereas*, It further appears by said complaints that the said nuisance has existed for two or more years; that frequent complaints and respect-



ful appeals have been made to the board of health of said city, to the end that the same might be removed and abated, but to no effect; therefore, be it

*Resolved*, That the board of health of the city and county of New York be, and they are, hereby directed to report to this House, within ten days after the passage of this resolution, all the facts and circumstances connected with the case as set forth in the preamble; also by whom, and by whose authority or permission the said manure depot was established; also what further, if any, legislation may be requisite or necessary to clothe the said board with full power to remove or abate the said nuisance at once.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Fort offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the Auditor of the Canal Department transmit to this House the following statements, viz.: The amount of money already expended on the extension of the Chenango canal; the amount heretofore appropriated for said extension; the amount of money on hand at date applicable to the construction of and the estimated cost to complete said extension; the title of contracts on which the contract prices have been increased by legislative acts, and the amount of the increase on such contracts as have been presented for payment; also, the amount of tolls collected for the navigation of the Chenango canal for each of the years 1868, 1869, 1870 and 1871, and the cost to collect the same; and the amount paid by the State during each of said years for ordinary and extraordinary repairs and canal damages arising under contracts, or otherwise, on said canal; also, the same information in regard to receipts and disbursements upon the Crooked Lake canal.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. D. B. Hill moved to reconsider the vote on agreeing with the report of the committee on railroads adverse to the bill entitled "An act to repeal chapter 907 of the Laws of 1869, entitled 'An act to amend an act entitled An act to authorize the formation of railroad companies, and to regulate the same, passed April 2, 1850, so as to permit municipal corporations to aid in the construction of railroads,' passed May 18, 1869, and the several acts amendatory thereof."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. D. B. Hill then moved to recommit said bill to the committee on railroads.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Prince offered for the consideration of the House a resolution, in the words following, to wit:

*Whereas*, By resolution of the Assembly the committee on the judiciary has been instructed to make four several investigations in the city of New York; and whereas, a portion of such investigations require the taking of a large amount of testimony, and an emergency has thereby arisen requiring additional stenographic service for the purposes of such investigations; therefore,

*Resolved*, That Worden E. Payne be employed as stenographer under the direction of the stenographer of the Assembly, such employment to continue only during such investigations, and the rate of compensation not to exceed fifteen cents per folio for reporting and copying.

Mr. Roche moved to strike out the word "fifteen," and insert the words "twenty-five."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said resolution, and it was determined in the affirmative.

{ AYES 69 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Crandall   | Kingsland  | Moulton    | Speaker         |
| Alberger      | Davidson   | Knapp      | Murdock    | Squires         |
| Alvord        | Fort       | Knettles   | Niles      | Swain           |
| D. L. Babcock | Goss       | Lincoln    | Osgood     | M. M. Tompkins  |
| Badeau        | Greenhalgh | G. P. Lord | Pell       | Tucker          |
| Bemus         | Gregory    | Lott       | Pierce     | Twombly         |
| Berri         | Haight     | Loughran   | Preston    | A. L. Van Dusen |
| E. E. Brown   | Hawkins    | Lynde      | Rose       | Wells           |
| I. D. Brown   | D. B. Hill | Mackay     | Shepardson | Whitbeck        |
| Buckley       | Holdridge  | Marcy      | Simson     | White           |
| Buell         | Hollister  | Moore      | Smiley     | Whitaker        |
| Burritt       | Houghton   | Morton     | Smith      | Woodward        |
| Chambers      | Husted     | Moseley    | Smyth      | Wyman           |
| Couchman      | Kennedy    | Mosher     | Sniper     |                 |

For the negative

Roche

Mr. Rose offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That on and after Tuesday next this House meet at 10 o'clock A. M., take a recess at 2 P. M. till 7 o'clock P. M., till otherwise ordered by the House.

Said resolution giving rise to debate,

*Ordered*, That the same be laid on the table.

Mr. Mackay called from the table the preamble and resolution previously offered by him, in the words following:

*Whereas*, Civilization is based on intercourse among the people; and

*Whereas*, It is one of the first and most important duties of civilized governments to establish laws regulating such intercourse; and

*Whereas*, The welfare of every community depends on the cheapness, convenience and dispatch by which the facilities necessary for such intercourse are regulated; and

*Whereas*, Railroads have superseded ordinary highways, turnpikes, plank-roads, lakes, rivers and canals, and have grown to be the recognized modes by which persons and property are transported from one section of the country to another; and

*Whereas*, Railroads have been declared for public use, and, for that reason, been clothed with the right to take what private property is necessary for their construction, with, or without the consent of its owner; and

*Whereas*, The original charters by which railroad companies were created in this State, and under which railroads were permitted to be built, restricted the amount of the capital stock and bonded indebtedness of said companies to an amount equal to that actually and in good faith expended, either in the construction or equipment of the roads which said companies represent; and

*Whereas*, Said original charters also restricted the amount of interest or dividends which said companies might pay to ten per cent per annum on the amounts so actually expended, thereby proving that the Legislatures which first permitted railroads to be built intended by legislative enactment to prevent the public from being taxed for the use of such roads beyond an amount sufficient to pay the necessary operating expenses of such roads, and a fair and liberal return on the moneys actually expended on them for the public welfare; and

*Whereas*, The people of this State paid, during the last year, to the different railroad companies doing business in the State, nearly seventy million dollars, for having their persons and property transported over the roads represented by said companies; and

*Whereas*, Nearly five million dollars of this vast sum was appropriated by the New York Central and Hudson River Railroad Company to pay interest or dividends on the bonds, stock or scrip of said company, which bonds, stock or scrip represent an excess over all amounts ever levied on or paid into the treasury of said company by the stock and bondholders of said company; and

*Whereas*, This and similar burdens have become oppressive on the people of this State, and to be relieved from which they have repeatedly and in great numbers petitioned their representatives; and

*Whereas*, The result of watering railroad stocks and bonds, and taxing commerce and travel to pay interest or dividends on such water has been to drive wealth and population from this State, to destroy milling and manufacturing enterprises, to reduce the amount of agricultural productions, and to threaten the commercial supremacy of the metropolis of this State, and generally to make railroads a source of oppression rather than a blessing to its people; therefore

*Resolved*, That the Attorney-General of this State be requested to furnish this body with his legal opinion whether or not railroad companies, organized under the Constitution of the United States and the Constitution of this State, and having the right of eminent domain, or to take private property for public use, can levy rates or tolls on the public requiring the use of the roads such companies represent beyond an amount sufficient to pay the necessary expenses of operating such roads and a fair and just return on their actual cost.

*Resolved*, That the Attorney-General be also requested to furnish his opinion whether or not any act of the Legislature can be held as constitutional and binding which permits railroad companies, organized for public use, to increase their capital stock or dividend paying indebtedness, and impose burdens on the public to pay interest or dividends on such increase, when such increase is based on the surplus earnings of such railroads, or when such increase represents an increased value of private property appropriated by such company for a public use.

Mr. Speaker put the question whether the House would agree to said resolutions, and it was determined in the affirmative.

On motion of Mr. Knapp,

*Resolved*, That Assembly bill No. 57, entitled "An act to amend an



act to authorize the drainage of marsh lands," be recommitted to the committee on internal affairs, retaining its place on general orders.

The Senate returned the bill entitled as follows:

"An act authorizing the Canal Commissioner of the eastern division to raise a certain road bed in the town of Kingsbury, county of Washington."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Hawkins called for the consideration of the resolution heretofore offered by him, in the words following, to wit:

*Resolved*, That the keeper of the capitol be, and he is hereby instructed to discontinue the fires in the furnaces, by which the Assembly chamber is heated; and if artificial heat in the future shall become necessary, then to make wood fires in the fire places on each side of the chamber; in addition thereto, if needed, to place a stove on the floor in front of the Clerk's desk.

Debate was had thereon, when

Mr. Alvord moved to lay the resolution upon the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Fort moved that the House do now adjourn.

Mr. Speaker then put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Fort asked for a call of the roll, to ascertain if a quorum was present.

Whereupon the following gentlemen answered to the call of their names:

|             |            |            |         |                 |
|-------------|------------|------------|---------|-----------------|
| Abbott      | Davidson   | Husted     | Moore   | Smiley          |
| Alberger    | Fort       | Kennedy    | Morton  | Sniper          |
| Alvord      | Goss       | Killian    | Moseley | Speaker         |
| Bemus       | Greenhalgh | Kingsland  | Moulton | Squires         |
| Berri       | Gregory    | Knettles   | Murdock | Swain           |
| E. E. Brown | Haight     | Lincoln    | Niles   | A. L. Van Dusen |
| I. D. Brown | Hawkins    | G. P. Lord | Osgood  | Wells           |
| Buckley     | A. Hill    | Lott       | Pell    | White           |
| Buell       | D. B. Hill | Loughran   | Preston | Whitaker        |
| Burritt     | Holdridge  | Lynde      | Roche   | Wiley           |
| Chambers    | Hollister  | Mackay     | Rose    | Woodward        |
| Couchman    | Houghton   | Marcy      | Simson  | Wyman           |
| Crandall    |            |            |         |                 |

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No quorum answering to their names.

Mr. Alvord moved a call of the House, and on that motion called for the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. I. D. Brown moved that the House now adjourn.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Debate having intervened,

On motion of Mr. Alvord, at 1 o'clock and 35 minutes, the House adjourned.

MONDAY, MARCH 4, 1872—7.30 P. M.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Morrow.

The journal of Saturday was read and approved.

Mr. Speaker announced the following:

Mr. Holdridge, chairman of the committee on Indian affairs in place of Mr. Ely deceased; and Mr. Beckwith in place of Mr. Holdridge, on the same committee. Zebulon Converse appointed assistant door-keeper, and announced as residing in St. Lawrence county; is said in fact to reside in Jefferson county. This announcement is made at the request of the members of St. Lawrence county.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act to amend the act entitled 'An act to amend the several acts incorporating the village of Owego, in the county of Tioga,' passed April 9, 1851," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act authorizing the Cattaraugus County Agricultural Society to borrow money to be used in improving its fair grounds," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

Mr. Speaker announced the special order, being the report of the committee on ways and means upon the capitol commission investigation.

On motion of Mr. Jacobs, and by unanimous consent, said report was made a special order for Wednesday at 12 o'clock.

Messrs. Holdridge, Lincoln, Buckley, Wiley, A. Hill, Davidson, Knettes, and Preston presented twenty-four remonstrances against legislative interference with the management of the Erie Railway Company; which were read and referred to the committee on railroads.

Mr. Shepardson presented a petition of citizens of Oxford, Chenango county, for an increase of the Literature Fund; which was read and referred to the committee on public education.

Mr. Ray presented a petition in favor of reducing the tariff charged on freight carried by the railroads of this State; which was read and referred to the committee on railroads.

Mr. Wyman presented a petition of citizens of Jefferson county, asking for a special enactment laying out a public highway across Black river in said county; which was read and referred to the committee on roads and bridges.

Mr. Baltz presented a remonstrance of 386 citizens of Erie county, against the sale of the court-house park, in Buffalo; which was read and referred to the committee on the affairs of cities.

Mr. Moulton presented a petition of citizens of Brooklyn asking for repeal of the Erie classification act; which was read and referred to the committee on railroads.

Mr. Hawkins presented a petition for amendment to act relating to the

College of the city of New York; which was read and referred to the committee on public education.

Mr. Alvord, from the committee on ways and means, to which was referred the bill entitled "An act authorizing the loan commissioners of the county of Jefferson to withdraw certain bonds from the custody of the Comptroller and authorizing the sale of the same and investment of the proceeds in bonds and mortgages on real estate," reported in favor of the passage of the same with amendments, and title amended so as to read "An act to amend an act entitled 'An act to amend chapter 150, of the Laws of 1837, authorizing a loan of certain moneys belonging to the United States, deposited with the State of New York for safe keeping,' passed May 2, 1864, so far as the same relates to the county of Jefferson," which report was agreed to, and said bill committed to the committee of the whole.

The order of business of third reading of bills being announced,

On motion of Mr. Alvord, said order of business was laid on the table.

Mr. Alvord introduced a bill entitled "An act to provide for the rebuilding of the bridge over the Oneida river, between the towns of Clay, in the county of Onondaga, and Hastings, in the county of Oswego, at Caughdenoy," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Springsted introduced a bill entitled "An act to amend the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend chapter 117 of the Laws of 1850, entitled 'An act to amend an act to provide for the better repairing certain roads in the town of Coeymans,' passed December 14, 1847," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Also, a bill entitled "An act to amend an act entitled 'An act supplementary to the act entitled "An act to authorize the formation of railroad corporations and to regulate the same,"' passed April 2, 1850," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Cook introduced a bill entitled "An act to incorporate the McClintock Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Ray introduced a bill entitled "An act to provide for supplying the city of Hudson, Columbia county, New York, with pure and wholesome water," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to revise, amend and consolidate the several acts in relation to the charter of the city of Hudson," which was read the first time, and by unanimous consent, was also read the second time, and referred to the committee on the affairs of cities.

Mr. Sniper introduced a bill entitled "An act in regard to the liabilities of telegraph lines not organized or doing business in accordance with the provisions of chapter 265 of the Laws of 1848, entitled 'An act to provide for the incorporation and regulation of telegraph companies,' and to regulate the tariff thereon," which was read the first time, and by



unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Gregory introduced a bill entitled "An act to amend an act entitled 'An act to suppress intemperance, and to regulate the sale of intoxicating liquors,' passed April 16, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Hawkins introduced a bill entitled "An act to amend chapter 386 of the Laws of 1851, entitled 'An act to amend, consolidate and reduce to one act the various acts relative to the common schools of the city of New York,' and the acts amending the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Moore introduced a bill entitled "An act to incorporate the St. Lawrence Bridge Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Carroll introduced a bill entitled "An act to amend section 91 of chapter 3, title 2 of the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Rice introduced a bill entitled "An act to provide for the adjustment of claims against the town of Danube, in the county of Herkimer, and to provide means for the payment of the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Lynde introduced a bill entitled "An act for the improvement of the main, middle, and north branches of Grass river," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Mr. Wiley introduced a bill entitled "An act to amend chapter 402 of the Laws of 1854, being 'An act for the better security of mechanics and others erecting building in the counties of Westchester, Oneida, Cortland, Broome, Putnam, Rockland, Orleans, Niagara, Livingston, Otsego, Lewis, Orange and Dutchess,' passed April 17, 1854, extending the provisions thereof, and of all acts amendatory thereof, to the county of Erie, excepting the city of Buffalo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Fort introduced a bill entitled "An act to exempt the real estate of the Oswego fire department from taxation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Loughran introduced a bill entitled "An act to amend chapter 304 of the Laws of 1852, relating to the duties of district attorneys," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Jacobs introduced a bill entitled "An act in relation to making and repairing highways and bridges in the town of Flatlands, in Kings county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act to amend an act entitled 'An act to provide for widening the Coney Island plank-road in the county of Kings,

and for the subsequent management thereof,' passed May 15, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Also, a bill entitled "An act to enable the board of education of the city of Brooklyn to sell certain lands," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Hart introduced a bill entitled "An act to provide for the construction of vertical stone wall along the tow-path bank of the Erie canal in the village of Hulberton, and appropriating money therefor," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Alvord offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That there be printed 1,000 copies of the report of the commissioners appointed to inquire into and report a uniform system of assessment and taxation for the use of the Governor, and 1,000 for the use of the Legislature.

*Ordered*, That said resolution be referred to the committee on public printing.

On motion of Mr. Knapp,

*Resolved*, That Assembly bill No. 250, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," be recommended to the committee on internal affairs.

By unanimous consent, Mr. Whitbeck introduced a bill entitled "An act for the preservation of public safety and the security of travel alongside and across the way and tracks owned and occupied by the New York and Harlem Railroad Company, on Fourth avenue, in the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

On motion of Mr. Whitbeck, and by unanimous consent, said bill was substituted for a bill introduced by him on Saturday, on same subject.

By unanimous consent,

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act authorizing John Rosekrans, of Wayland, in the county of Steuben, to remove the remains of certain persons buried on his premises to the Wayland Cemetery, in said town," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the Congregational Church Shed Association, of Saugerties," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the South Worcester Cemetery Association," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Goring, from the committee on charitable and religious societies,



to which was referred the bill entitled "An act to incorporate the Young Men's Universalist Association of the city of New York," reported in favor of the passage of the same, with an amendment; which report was agreed to and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Goring, from the committee on charitable and religious societies, to which was referred the Senate bill entitled "An act to revive and amend the 'Act to incorporate the Wyoming Benevolent Institute,' passed April 28, 1870," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Goring, from the committee on charitable and religious societies, to which was referred the Senate bill entitled "An act to amend the charter of the American Bible Society," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

The House then resolved itself into a committee of the whole on the bills entitled as follows:

"An act exempting the town of Rochester, in the county of Ulster, from bonding for railroad purposes."

"An act to amend chapter 791 of the Laws of 1868, entitled 'An act to more particularly define the duties of overseers of highways, and their appointment, in conformity with the provisions of chapter 522 of the Laws of 1865, passed May 9, 1868.'"

"An act to incorporate the Fire Island Hotel, and establish ferries across Fire island or Great South Bay, in Suffolk county."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Beckwith, from said committee, reported in favor of the passage of the first and second mentioned bills, the second mentioned with an amendment; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Beckwith, from said committee, also reported in favor of the passage of said third mentioned bill.

On motion of Mr. Husted, and by unanimous consent, said report was amended by amending said bill as follows:

Section 7 line 5, before the word "shall" insert the words "if said ferry."

Mr. Speaker put the question whether the House would agree to said report, as amended, and it was determined in the affirmative.

*Ordered*, That said bill be engrossed for a third reading.

By unanimous consent, Mr. Murdock introduced a bill entitled "An act to authorize the Blossburgh Coal Company, the successors and assigns of the Bloss Coal Mining Company, a corporation organized and existing under the law of the commonwealth of Pennsylvania, to hold real estate for the purposes of its business," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trade and manufactures.

By unanimous consent,

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend the charter of the city of Albany, passed March 16, 1870, and the several acts amendatory thereof," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

On motion of Mr. Alvord, and by unanimous consent, said bill was



made a special order for Thursday morning, immediately after considering the special order previously ordered, being the bill to amend the charter of the city of Troy.

On motion of Mr. Alvord, and by unanimous consent,

*Resolved*, That Senate bill entitled "An act authorizing the Syracuse Northern Railroad Company to extend its road and make certain connections, and mortgage its real estate and personal property, and certain towns in Onondaga, Oswego and Jefferson counties to issue bonds in aid thereof," be considered in the next committee of the whole.

On motion of Mr. Houghton, and by unanimous consent,

*Resolved*, That the bill entitled "An act to authorize the town auditors of the town of Saratoga Springs to issue bonds for the completion of and furnishing the town hall at Saratoga Springs," be considered in the next committee of the whole.

On motion of Mr. Hungerford, and by unanimous consent,

*Resolved*, That Senate bill No. 62, entitled "An act to release and convey the interest of the people of the State of New York in certain real estate in the city of Utica, of which Owen J. Owens died possessed, to Owen Griffiths, his nephew," be considered in the next committee of the whole.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

Senate "An act authorizing the Syracuse Northern Railroad Company to extend its road and make certain connections, and mortgage its real estate and personal property; and certain towns in Onondaga, Oswego and Jefferson counties to issue bonds in aid thereof."

"An act to authorize the town auditors of the town of Saratoga Springs to issue bonds for the completion of and furnishing the town hall at Saratoga Springs."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Cook, from said committee, reported in favor of the passage of said first mentioned bill; which report was agreed to, and said bill ordered to a third reading.

Mr. Cook, from said committee, also reported in favor of the passage of said second mentioned bill, with amendments; which report was agreed to, and said bill ordered engrossed for a third reading.

Said committee did not act upon the motion of Mr. Hungerford for the reason that said bill had not been reported by the committee.

On motion of Mr. Badeau, by unanimous consent,

*Resolved*, That the bill entitled "An act to provide for regulating, grading and graveling the White Plains road, commonly called North street, lying wholly in the town of New Rochelle, and partly in the village of New Rochelle, in the county of Westchester," be considered in the next committee of the whole.

On motion of Mr. Badeau, and by unanimous consent,

*Resolved*, That the bill entitled "An act to incorporate the Mamaronck and Rye Neck Fire Department," be considered in the next committee of the whole.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to provide for regulating, grading and graveling the White Plains road, commonly called North street, lying wholly in the town of New Rochelle and partly in the village of New Rochelle, in the county of Westchester."

"An act to incorporate the Mamaroneck and Rye Neck fire department."

"An act to incorporate the Etna Agricultural Association for the improvement of stock, the advancement of agriculture and the mechanic arts."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. White, from said committee, reported in favor of the passage of said first mentioned bill; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. White, from said committee, also reported progress on said second mentioned bill, and asked leave to sit again.

The question being upon granting leave,

On motion of Mr. Badeau, the committee of the whole was discharged from the further consideration of said bill and the same was ordered engrossed for a third reading.

Mr. White, from said committee, also reported in favor of the passage of said third mentioned bill, with amendments, and the title amended by inserting after the word "Association" the words "and Driving Park," which report was agreed to, and said bill ordered engrossed for a third reading.

On motion of Mr. Jacobs, and by unanimous consent,

*Resolved*, That any resolution moving a bill to the committee of the whole, out of its regular order, shall embrace the general orders, and printed numbers of said bill, and also recite its title.

On motion of Mr. Marcy, and by unanimous consent,

*Resolved*, That Assembly bill No. 249, general order 277, entitled "An act for the division of the town of Huntington, in the county of Suffolk, and the erection of a new town from the southern part of said town, and for the apportionment of the town property and town debts," be referred to the first committee of the whole, not full.

On motion of Mr. Wiley, and by unanimous consent,

*Resolved*, That Assembly bill No. 206, general order No. 228, entitled "An act to authorize the Buffalo and Springville Railroad Company to change the terminus of the road," be considered in the next committee of the whole.

On motion of Mr. A. Hill, and by unanimous consent,

*Resolved*, That Assembly bill No. 171, general order No. 190, being "An act to prolong the time for the payment of the capital stock of the Malleable and Grey Iron Company, and for the execution and recording of the certificate thereof, and to legalize the acts of said company, may be considered in the next committee of the whole, not full.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to prolong the time for the payment of the capital stock of the Cocksackie Malleable and Grey Iron Company, and for the execution and recording of the certificate thereof, and to legalize the acts of said company."

"An act to authorize the Buffalo and Springville Railroad Company to change the terminus of their road."

"An act for the division of the town of Huntington, in the county of Suffolk, and the erection of a new town from the southern part of said town, and for the apportionment of the town property and town debts."

And after some time spent therein, Mr. Speaker resumed the chair, and



Mr. Burritt, from said committee, reported in favor of the passage of said first and second mentioned bills; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Burritt, from said committee, also reported progress on said third mentioned bill, and asked leave to sit again.

The question being upon granting leave.

Mr. Husted moved to discharge the committee of the whole from the further consideration of said bill, and that the same be ordered engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

*Ordered*, That said bill be engrossed for a third reading.

On motion of Mr. Preston, and by unanimous consent,

*Resolved*, That Assembly bill No. 223, general order 250, entitled "An act to amend an act entitled 'An act to authorize the village of Dunkirk to issue bonds for supplying said village with water, and create a board of water commissioners,'" etc., be considered in the next committee of the whole, not full.

On motion of Mr. Moore, and by unanimous consent.

*Resolved*, That Assembly bill No. 234, general order No. 263, entitled "An act to incorporate the superintendents of the fair grounds of the town of Oswegatchie," passed April 15, 1871, be considered in the next committee of the whole.

On motion of Mr. Pierce, and by unanimous consent,

*Resolved*, That Assembly bill No. 275, general order 305, entitled "An act to amend the charter of the village of Chateaugay," be considered in the first committee of the whole, not full.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to amend an act entitled 'An act to authorize the village of Dunkirk to issue bonds for the purpose of supplying said village with water, and to create a board of water commissioners,' passed April 13, 1871."

"An act to amend an act entitled 'An act to incorporate the superintendents of the fair ground of the town of Oswegatchie,' passed April 15, 1871."

"An act to amend an act entitled 'An act to incorporate the village of Chateaugay, in the county of Franklin, chapter 413, Laws of 1869,' and an act amendatory thereof."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. A. L. Van Dusen, from said committee, reported in favor of the passage of said bills; which report was agreed to, and said bills ordered engrossed for a third reading.

On motion of Mr. Loughran, and by unanimous consent,

*Resolved*, That Assembly bill No. 186, general order No. 206, entitled "An act to incorporate the Ulster General Hospital," be considered in the next committee of the whole, not full.

On motion of Mr. A. L. Van Dusen, and by unanimous consent.

*Resolved*, That Assembly bill No. 276, general order No. 306, entitled "An act in relation to the establishment and care of a cemetery in the village of Geneva, Ontario county, and to provide means for the same," be considered in the next committee of the whole.

On motion of Mr. Kingsland, and by unanimous consent,

*Resolved*, That Assembly bill No. 220, general order No. 247, entitled



"An act to incorporate the Protection Hose Association in the village of Plattsburgh," be considered in the first committee of the whole.

The House again resolved itself into a committee of the whole on the bills entitled as follows :

"An act in relation to the establishment and care of a cemetery by the village of Geneva, Ontario county, and to provide means for the same."

"An act to incorporate the Ulster General Hospital."

"An act to incorporate the Protection Hose Association of the village of Plattsburgh, New York."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Pierce, from said committee, reported in favor of the passage of said first and second mentioned bills, the second mentioned with amendments ; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Pierce, from said committee, also reported progress on said third mentioned bill, and asked leave to sit again.

The question being upon granting leave,

Mr. Kingsland moved to discharge the committee of the whole from the further consideration of said bill, and that the same be ordered to a third reading.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

*Ordered*, That said bill be engrossed for a third reading.

On motion of Mr. Lynde, and by unanimous consent,

*Resolved*, That Assembly bill No. 218, general order 245, entitled "An act to amend an act entitled 'An act to incorporate the village of Canton,' passed May 13, 1845, and the several acts amendatory thereof, passed April 22, 1865, and amended April 6, 1871," be considered in the next committee of the whole, not full.

On motion of Mr. Moulton, and by unanimous consent.

*Resolved*, That Assembly bill No. 147, general order 167, entitled "An act to release the interest of the people of the State of New York in and to certain lands in Sullivan county to Henry Eisner," be considered in the next committee of the whole, not full.

On motion of Mr. Twombly, and by unanimous consent,

*Resolved*, That Assembly bill No. 204, general order 226, entitled "An act to incorporate the Importers' and Grocers' Board of Trade, of the city of New York," be considered in the next committee of the whole, not full.

The House again resolved itself into a committee of the whole on the bills entitled as follows :

"An act to incorporate the Importers' and Grocers' Board of Trade of the city of New York."

"An act to release the interest of the people of the State of New York in and to certain lands in Sullivan county to Henry Eisner."

"An act to amend an act entitled 'An act to revise and amend an act entitled an act to incorporate the village of Canton,' passed May 13, 1845, and the several acts amendatory thereof, passed April 22, 1865, and amended April 6, 1871."

And after some time spent therein Mr. Speaker resumed the chair, and Mr. Rice, from said committee, reported progress on said first mentioned bill, and asked leave to sit again.

The question being upon granting leave,

Mr. Twombly moved to discharge the committee of the whole from the

further consideration of said bill, and that the same be ordered engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

*Ordered*, That said bill be engrossed for a third reading.

Mr. Rice, from said committee, also reported progress on said second mentioned bill, and asked and obtained leave to sit again.

Mr. Rice, from said committee, also reported in favor of the passage of said third mentioned bill; which report was agreed to, and said bill ordered engrossed for a third reading.

*Ordered*, That said bill be engrossed for a third reading.

On motion of Mr. Lincoln, and by unanimous consent,

*Resolved*, That Assembly bill 169, general order 188, entitled "An act to amend an act entitled 'An act to amend an act passed July 21, 1855, entitled An act to provide for the incorporation of companies to construct plank-roads,' passed May 7, 1847, and the act amendatory thereof, passed April 14, 1855," be considered in the next committee of the whole, not full.

On motion of Mr. Hawkins, and by unanimous consent,

*Resolved*, That Assembly bill 270, entitled "An act for the relief of Alexander Taylor and Halsey W. Knapp, executors of George W. Miller, deceased," be considered in the next committee of the whole, not full.

On motion of Mr. White, at 10 o'clock and 30 minutes, the House adjourned.

## TUESDAY, MARCH 5, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Morrow.

The journal of yesterday was read and approved.

Mr. Killian appeared in the Assembly chamber and the oath of office was duly administered to him by the Speaker.

Pursuant to the 9th joint rule, Mr. Speaker announced the order of business of third reading of bills.

By unanimous consent, Mr. Alvord moved to lay said order of business upon the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

This being the day assigned by the rules for consideration of general orders, Mr. Speaker announced the order of business "General Orders of the day."

By unanimous consent Mr. Wyman introduced a bill entitled "An act to lay out a public highway in the towns of Rutland and Le Ray, in the county of Jefferson," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Twombly introduced a bill entitled "An act to authorize the New York Elevated Railroad Company to extend its railroad in the westerly and northerly parts of the city of New York, and to regulate the construction, operation and management thereof,"

which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Twombly offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That Senate bill No. 10, general order No. 218, entitled "An act in relation to Columbia College, in the city of New York," be considered in the next committee of the whole, not full.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

The House then resolved itself into a committee of the whole on the bills entitled as follows:

"An act to amend an act entitled 'An act to amend an act passed July 21, 1853, entitled An act to amend an act to provide for the incorporation of companies to construct plank-roads, passed May 7, 1847,' and the acts amendatory thereof, passed April 14, 1855."

"An act for the relief of Alexander Taylor and Halsey W. Knapp, executors of George W. Miller, deceased."

Senate "An act in relation to Columbia College in the city of New York."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Abbott, from said committee, reported in favor of the passage of said first mentioned bill; which report was agreed to, and said bill ordered engrosed for a third reading.

Mr. Abbott, from said committee, also reported that they had stricken out the enacting clause and section 1 of said second mentioned bill.

The question being on agreeing to said report,

Mr. Hawkins moved to disagree with said report, and that the enacting clause and section 1 be reinstated, and said bill ordered to a third reading.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

{ AYES 23 }  
{ NOES 53 }

Those who voted in the affirmative, were

|               |           |          |         |            |
|---------------|-----------|----------|---------|------------|
| Alberger      | Carroll   | Loughran | Preston | Springsted |
| D. L. Babcock | Hawkins   | Morton   | Ray     | Swain      |
| Badeau        | Houghton  | Moseley  | Roche   | Whitbeck   |
| Baltz         | Kingsland | Moulton  | Rose    | White      |
| Bennett       | Lincoln   | Osgood   |         |            |

Those who voted in the negative, were

|             |            |            |         |                 |
|-------------|------------|------------|---------|-----------------|
| Abbott      | Cook       | Holdridge  | Lynde   | Speaker         |
| Alvord      | Couchman   | Hollister  | Mackay  | D. Tomkins      |
| Bemus       | Crandall   | Hungerford | Marcy   | Tucker          |
| Blair       | Davidson   | Husted     | Mosher  | Twombly         |
| Buckley     | Foley      | Jacobs     | Murdock | A. L. Van Dusen |
| Buell       | Fort       | Judd       | Oakley  | West            |
| Burns       | Fowler     | Kennedy    | Pierce  | Wiley           |
| Burritt     | Geib       | Knapp      | Rice    | Woodward        |
| Campbell    | Greenhalgh | Lewis      | Simson  | Wyman           |
| Chamberlain | Gregory    | G. P. Lord | Smyth   | Yeomans         |
| Chambers    | A. Hill    | Lott       |         |                 |

The question then being upon agreeing to the report of the committee of the whole,



Mr. Alvord moved to lay said question upon the table.

Mr Speaker put the question whether the House would agree to said motion to lay on the table, and it was determined in the affirmative.

Mr. Abbott, from said committee, also reported in favor of the passage of said third mentioned bill; which report was agreed to, and said bill ordered to a third reading.

By unanimous consent, Mr. Lott introduced a bill entitled "An act to authorize the electors of the town of Lodi, in the county of Seneca, to vote at their annual town meeting, for or against levying a tax of one thousand dollars upon the taxable property of said town, to secure the use and occupation of a town hall for the public purposes of said town," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Lott, and by unanimous consent, said bill was ordered to a third reading.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to open and extend South Eleventh street, in the city of Brooklyn, from its present termination to Third street."

"An act to release the interest of the people of the State of New York in and to certain lands in Sullivan county, to Henry Eisner."

"An act to amend an act entitled 'An act to incorporate the village of New Brighton,' passed April 26, 1866, and an act amending the same, passed April 22, 1867; and also an act amending the same, passed April 27, 1871."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Smyth, from said committee, reported in favor of the passage of said bills, the third mentioned with amendments; which report was agreed to, and said bills ordered engrossed for a third reading.

On motion of Mr. Lott, and by unanimous consent, the bill entitled "An act to authorize the electors of the town of Lodi, in the county of Seneca, to vote at their annual town meeting for or against levying a tax of \$1,000 upon the taxable property of said town, to secure the use and occupation of a town hall for the public purposes of said town," was read a third time."

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Abbott        | Carroll     | Hungerford | Morton  | Sniper          |
| Aitken        | Chamberlain | Husted     | Moseley | Speaker         |
| Alberger      | Cook        | Jacobs     | Mosher  | Springsted      |
| Alvord        | Couchman    | Judd       | Moulton | Squires         |
| D. L. Babcock | Crandall    | Kennedy    | Murdock | Swain           |
| Badeau        | Foley       | Knapp      | Oakley  | D. Tomkins      |
| Baltz         | Fort        | Knettlles  | Pierce  | Tucker          |
| Beckwith      | Fowler      | Lewis      | Preston | Twombly         |
| Bemus         | Geib        | Lincoln    | Ray     | A. L. Van Dusen |
| Bennett       | Greenhalgh  | G. P. Lord | Rice    | West            |
| Blair         | Gregory     | Lott       | Roche   | Whitbeck        |
| Buckley       | Hawkins     | Loughran   | Rose    | White           |

|          |           |        |            |          |
|----------|-----------|--------|------------|----------|
| Buell    | A. Hill   | Lynde  | Shepardson | Woodward |
| Burns    | Holdridge | Mackay | Simson     | Wyman    |
| Burritt  | Hollister | Marcy  | Smiley     | Yeomans  |
| Campbell | Houghton  | Moore  | Smyth      |          |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Husted offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That Assembly bill, printed No. 226, general order No. 254, entitled "An act in relation to trustees and directors of charitable and benevolent institutions," be considered in the next committee of the whole.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Campbell offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That Assembly bill No. 207, general order 229, entitled "An act to authorize the extension and construction of railroad tracks in Tenth street and other streets and avenues in the city of New York," be considered in the first committee of the whole.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative, two-thirds of all the members present not voting in favor thereof.

Mr. Couchman offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That Assembly bill No. 209, general order 235, entitled "An act confirming a conveyance of real estate to Dennis Murphy, and authorizing him to hold real estate," be considered in the next committee of the whole, not full.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative, two-thirds of all the members present not voting in favor thereof.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act in relation to trustees and directors of charitable and benevolent institutions."

"An act releasing the interests of the State in certain lands of which Hannah Jane Butcher died possessed, to William Butcher, her surviving husband."

"An act to confirm the title of certain persons to real estate questioned by reason of alienage of former owners."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Davidson, from said committee, reported in favor of the passage of said bills, the third mentioned with an amendment; which report was agreed to, and said bills ordered engrossed for a third reading.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act entitled 'An act to release to Mary Wheleleam the real estate of which John Wheleleam died seized, in the town of Canandaigua, county of Ontario.'"

"An act to amend chapter 356 of the Laws of 1859, entitled 'An act concerning the salt springs and the manufacture of salt,' passed April 15, 1859."

"An act to establish a board of health and of vital statistics in the county of Richmond, and to define its powers and duties."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Fowler, from said committee, reported in favor of the passage of said bills, the last mentioned with amendments; which report was agreed to, and said bills ordered engrossed for a third reading.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

Senate, "An act in relation to the dividends of life insurance companies,"

"An act to authorize the Canal Commissioners to construct a road bridge over the Champlain canal, in the village of Fort Edward, in the county of Washington."

"An act to regulate the management of insurance companies and the disposal of their assets."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Chambers, from said committee, reported in favor of the passage of said first mentioned bill; which report was agreed to, and said bill ordered to a third reading.

Mr. Chambers, from said committee, also reported in favor of the passage of said second mentioned bill; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Chambers from said committee, also reported progress on said third mentioned bill, and asked and obtained leave to sit again.

On motion of Mr. Alvord, said bill was recommitted to the committee on insurance, retaining its place on general orders.

Mr. A. L. Van Dusen, from the committee on engrossed bills, reported as correctly engrossed the bill (passed by unanimous consent to-day), entitled as follows:

"An act to authorize the electors of the town of Lodi in the county of Seneca to vote at their annual town meeting, for or against levying a tax of \$1,000 upon the taxable property of said town, to secure the use and occupation of a town hall, for the public purposes of said town."

On motion of Mr. Smyth, at 2 o'clock, the House took a recess until 7½ o'clock.

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#### HALF-PAST SEVEN O'CLOCK P. M.

The House again met, and resolved itself into a committee of the whole on the bills entitled as follows:

Senate, "An act to legalize certain obligations incurred by the city of Brooklyn."

"An act to incorporate the Dairymen's Manufacturing Association of Perth."

"An act to confirm the title of Francis Melvin to certain land in the city of Brooklyn."

After some time spent therein, Mr. Speaker resumed the chair, and Mr. Hyatt, from said committee, reported in favor of the passage of said first mentioned bill; which report was agreed to, and said bill ordered to a third reading.

Mr. Hyatt, from said committee, also reported in favor of the passage of said second and third mentioned bills; which report was agreed to, and said bills ordered engrossed for a third reading.



Mr. Husted, from the committee on local and special laws, reported by bill entitled "An act to amend an act entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' passed April 12, 1848," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Husted, and by unanimous consent, said bill was ordered to a third reading.

Mr. Husted, from the committee on local and special laws, to which was referred the bill entitled "An act to provide for the purchase of a steam fire-engine in the village of Tonawanda, Erie county, and for the more effectual protection of said village against fires," reported that there is no general law that will accomplish the purposes of said bill, nor can a general law be framed for such purposes; which report was agreed to, and said bill ordered to take its place on the third reading of bills.

Mr. Husted, from the committee on local and special laws, to which was referred the bill entitled "An act relative to the laying out and opening of Madison avenue, north of 120th street, in the city of New York," reported that there is no general law that will accomplish the purpose of said bill, nor can a general law be framed for such purpose; which report was agreed to, and said bill ordered to take its place on the third reading of bills.

Mr. Husted, from the committee on local and special laws, to which was referred the bill entitled "An act to incorporate the Moose River Improvement Company," reported that there is no general law that will accomplish the purposes of said bill, nor can a general law be framed for such purpose; which report was agreed to, and said bill ordered to take its place on the third reading of bills.

On motion of Mr. Loughran, and by unanimous consent,

*Resolved*, That Assembly bill No. 268, general order 295, entitled "An act to incorporate the city of Kingston," be referred to the first committee of the whole, not full.

Mr. Foley offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the Clerk of the Assembly be required to furnish to the committee on local and special laws a set of Edmonds' Revised Statutes and New York Statutes at Large, latest edition.

*Ordered*, That said resolution be referred to the committee on the expenditures of the House.

On motion of Mr. Moseley, and by unanimous consent,

*Resolved*, That Assembly bill, printed No. 243, general order No. 271, entitled "An act to authorize the making of an extension or branch of the Gowanus canal in the city of Brooklyn," be considered in the next committee of the whole.

By unanimous consent, Mr. Fowler introduced a bill entitled "An act to amend section 3, of chapter 19, of Laws of 1821, to perpetuate certain testimony respecting the title of the Pultney estate in this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

On motion of Mr. Davidson, and by unanimous consent,

*Resolved*, That Assembly bill No. 213, general order No. 239, entitled "An act to authorize the various towns throughout the State, which shall have an excess of excise money, accruing from the excise law, to expend the same," be considered in the next committee of the whole.

On motion of Mr. Alvord, and unanimous consent,

*Resolved*, That bill No. 164, general order No. 181, entitled "An act to legalize the action of the common council of the city of Syracuse, in borrowing and donating money to aid the sufferers by fire at Chicago," be considered in the next committee of the whole, not full.

The House then resolved itself into a committee of the whole on the bills entitled as follows:

"An act to incorporate the city of Kingston."

"An act to authorize the various towns throughout the State, which shall have an excess of money accruing from the excise law, to expend the same."

"An act to authorize the making of an extension or branch of the Gowanus canal, in the city of Brooklyn."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Kennedy, from said committee, reported progress on said first mentioned bill, and asked leave to sit again.

On motion of Mr. Loughran, the committee of the whole was discharged from the further consideration of said bill, and the same was ordered engrossed for a third reading.

Mr. Kennedy, from said committee, also reported in favor of the passage of said second and third mentioned bills, each with an amendment; which report was agreed to, and said bills ordered engrossed for a third reading.

On motion of Mr. Mosher, and by unanimous consent,

*Resolved*, That Assembly bill, general order 328, printed No. 293, entitled "An act for the erection of an iron bridge over the Erie canal at West Troy, in the county of Albany," be considered in the first committee of the whole.

By unanimous consent,

Mr. Morton, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to the board of excise in the city of Brooklyn, and to reorganize the same," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Morton, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to the Williamsburg Dispensary, to change the corporate title thereof, and to define and enlarge its powers," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Morton, from the committee on the affairs of cities, to which was referred the bill entitled "An act to erect an armory in Greenpoint, seventeenth ward, in the city of Brooklyn," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Morton, from the committee on the affairs of cities, to which was referred the bill entitled "An act to enable the board of education of the city of Brooklyn to sell certain lands," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Morton, from the committee on the affairs of cities, to which was referred the bill entitled "An act concerning certain female habitual



drunkards and prostitutes in the city of Brooklyn, and county of Kings," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Morton, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the common council of the city of Brooklyn to open and improve Sandford street, from Myrtle avenue to Flushing avenue," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

On motion of Mr. Simson, and by unanimous consent,

*Resolved*, That Assembly bill No. 226, general orders No. 293, entitled "An act in relation to the filing of certain claims of Nicholas Shaub, Charles Shultz, William Hilman, John Kretsel, Christian Deidrich, Jacob Nagle, George Goodnough, Betts and Ayer, Joseph Hermon, John Kippert, Frederick Rodenz, Charles Deidrich, Jr., Frederick Deidrich, John Rahberg, Theodore Hartlaban, John Henning, John Brensing, Charles Deidrich, Sen., Joseph Bliss and Thomas J. Collins," be considered in the next committee of the whole.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to legalize the action of the common council of the city of Syracuse in borrowing and donating money to aid the sufferers by fire at Chicago."

"An act for the erection of an iron bridge over the Erie canal at West Troy, in the county of Albany."

"An act in relation to the filing of certain claims of Nicholas Shaub, Charles Shultz, William Hilman, John Kretsel, Christian Deidrich, Jacob Nagle, George Goodnough, Betts and Ayer, Joseph Hermon, John Kippert, Frederick Rodenz, Charles Deidrich, Jr., Frederick Deidrich, John Rahberg, Theodore Hartlaban, John Henning, John Brensing, Charles Deidrich, Sen., Joseph Bliss and Thomas J. Collins."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Springsted, from said committee, reported in favor of the passage of said mentioned bills; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Abbott offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That Assembly bill No. 277, general order No. 307, entitled "An act to authorize the formation of driving park and agricultural associations," be considered in the first committee of the whole.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative, two-thirds of all the members present not voting in favor thereof.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

Senate, "An act to amend an act entitled 'An act in relation to stenographers in the circuit courts, courts of oyer and terminer and special terms of the supreme court, in the 6th, 7th and 8th judicial districts.'"

"An act to amend an act entitled 'An act to increase the number of judges of the city court of Brooklyn, and to regulate the civil and criminal jurisdiction thereof,' passed April 28, 1870."

"An act to amend an act entitled 'An act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes,' passed April 20, 1866.



And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Swain, from said committee, reported in favor of the passage of said first mentioned bill, with an amendment; which report was agreed to, and said bill ordered to a third reading.

Mr. Swain, from said committee, also reported in favor of the passage of said second mentioned bill; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Swain, from said committee, also reported progress on said third mentioned bill, and asked and obtained leave to sit again.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act in relation to challenges of jurors in criminal cases."

"An act to amend an act entitled 'An act to incorporate the Haverstraw Savings Bank, of the town of Haverstraw, in the county of Rockland,' passed April 27, 1871."

"Concurrent resolutions proposing an amendment to the Constitution relative to pay of members of the Legislature."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Squires, from said committee, reported in favor of the passage of said first and second mentioned bills, the first mentioned with an amendment, and the second mentioned with amendments; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Squires, from said committee, also reported in favor of the passage of said resolutions, with amendments; which report was agreed to, and said resolutions ordered engrossed for a third reading.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

Senate, "An act to amend an act entitled 'An act incorporating the Goshen Savings Bank,' passed April 11, 1871."

Senate, "An act to amend an act entitled 'An act to amend an act to incorporate the Savings Bank of the city of Utica,' passed April 26, 1839, passed April 11, 1870."

"An act to incorporate the Citizens' Plate Glass Insurance Company."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Lippitt, from said committee, reported progress on said first and second mentioned bills, and asked and obtained leave to sit again.

Mr. Lippitt, from said committee, also reported in favor of the passage of said third mentioned bill, with amendments; which report was agreed to, and said bill ordered engrossed for a third reading.

A message from the Senate was received and read, informing of concurrence in the passage of the bills entitled as follows:

"An act to authorize the Bruynswick Rural Cemetery Association, in the county of Ulster, to acquire title to property for burial purposes."

"An act to legalize the acts of Stafford Wade, Leverett Spring and Aaron A. Spencer, commissioners of the town of Arcade, in purchasing certain bonds and coupons of said town with moneys arising from the sale of certain railroad stock belonging to said town, and to authorize said commissioners to cancel the same."

"An act to divide the county of Sullivan into two school commissioner districts."

"An act to amend the charter of the village of Potsdam."

*Ordered,* That the Clerk deliver said bills to the Governor.

On motion of Mr. Blair, at 10 o'clock and 10 minutes, the House adjourned.

WEDNESDAY, MARCH 6, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Smart.

The journal of yesterday was read and approved.

A message was received from the Governor, in the words following, to wit:

EXECUTIVE CHAMBER, }  
ALBANY, *March 2, 1872.* }

*To the Assembly:*

In compliance with the joint resolution of the Senate and Assembly, I return herewith for amendment, Assembly bill No. 128, entitled "An act to amend chapter 576, of the Laws of 1870, entitled 'An act to provide for the introduction of the European system of steam towage upon the canals of this State.

JOHN T. HOFFMAN.

Mr. Fort moved that the vote by which said bill was passed be reconsidered.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |           |            |                 |
|---------------|------------|-----------|------------|-----------------|
| Abbott        | Couchman   | Jacobs    | Moseley    | Smyth           |
| Aitken        | Davidson   | Judd      | Mosher     | Sniper          |
| Alvord        | Eastman    | Kennedy   | Murdock    | Speaker         |
| D. L. Babcock | Enos       | Killian   | Osgood     | Springsted      |
| Badeau        | Foley      | Kingsland | Paige      | Squires         |
| Baltz         | Fort       | Knapp     | Pell       | Swain           |
| Beckwith      | Fowler     | Lewis     | Pierce     | Tucker          |
| Bemus         | Gregory    | Lincoln   | Preston    | Twombly         |
| Bennett       | Hawkins    | Lippitt   | Ray        | A. L. Van Dusen |
| Berri         | Herrick    | Lott      | Roche      | W. J. Van Dusen |
| Blair         | A. Hill    | Loughran  | Rose       | West            |
| Buckley       | Holdridge  | Lynde     | Sage       | Whitbeck        |
| Buell         | Hollister  | Mackay    | Shepardson | Woodward        |
| Burns         | Houghton   | Marcy     | Simson     | Woolsey         |
| Burritt       | Hungerford | Moore     | Smiley     | Wyman           |
| Chamberlain   | Hyatt      | Morton    | Smith      | Yeomans         |
| Cook          |            |           |            |                 |

On motion of Mr. Fort, and by unanimous consent, said bill was amended as follows:

Amend the title so as to read:

"An act to confer additional powers upon the New York Steam Cable Towing Company, a corporation organized pursuant to the requirements of chapter 576, and to authorize said company to issue the preferred stock and bonds thereof."

Also, add as section 3 the following:

"§ 3. This act shall take effect immediately."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |            |            |                 |
|---------------|----------|------------|------------|-----------------|
| Abbott        | Chambers | Holdridge  | Moore      | Sniper          |
| Aitken        | Cook     | Hollister  | Morton     | Speaker         |
| Alvord        | Couchman | Houghton   | Moseley    | Springsted      |
| D. L. Babcock | Dunphy   | Hungerford | Mosher     | Squires         |
| Badeau        | Eastman  | Hyatt      | Murdock    | Swain           |
| Baltz         | Enos     | Judd       | Oakley     | Tucker          |
| Beckwith      | Fields   | Kennedy    | Osgood     | Twombly         |
| Bemus         | Foley    | Killian    | Pierce     | A. L. Van Dusen |
| Bennett       | Fort     | Kingsland  | Preston    | W. J. Van Dusen |
| Berri         | Fowler   | Knapp      | Ray        | West            |
| Blair         | Geib     | Knettles   | Rice       | Whitbeck        |
| Buckley       | Gregory  | Lewis      | Roche      | White           |
| Buell         | Haughton | Lincoln    | Rose       | Woodward        |
| Burns         | Hawkins  | Loughran   | Shepardson | Woolsey         |
| Burritt       | Herrick  | Mackay     | Simson     | Wyman           |
| Chamberlain   | A. Hill  | Marcy      | Smith      | Yeomans         |

*Ordered*, That the Clerk deliver said bill to the Senate, with a message informing that the Assembly have passed the same, as amended.

Mr. Speaker presented a communication from the commissioners of emigration; which was laid on the table and ordered printed.

(See Doc. No. 83.)

The private secretary of the Governor appeared in the Assembly chamber and presented a communication from the Governor in the words following:

EXECUTIVE CHAMBER, }  
ALBANY, March 6, 1872. }

*To the Assembly:*

I return, without my approval, Assembly bill No. 114, entitled "An act authorizing the election of a board of auditors for the town of Lenox, Madison county, and empowering other towns to avail themselves of the provisions of this act."

The bill proposes to create, in the town of Lenox only, a board of three persons, in addition to the regular town officers now provided by the general law; to abolish, in this one town only, the board of town auditors, which, by the general Statute, consists, in all towns, of the supervisors, the justice of the peace, and the town clerk; and to devolve all its powers and duties upon the new board of officers thus created. This special board is to be elected in the same manner and by the same constituency as are the members of the present auditing board, to wit, by the people at their annual town meeting. It is manifest that the Legislature did not deem this change in the powers and duties of town officers, and in the number of them, necessary or expedient in our town governments generally; otherwise it would have made the bill a general one, applicable to all the towns in the State. It is the general judgment of



those conversant with such matters, so far as I can gather it, that this duty of auditing town accounts is, as a rule, performed by the supervisors, justices and town clerks of the several towns, as rigidly and faithfully as any public duty in the State. This bill must have been passed with reference to some temporary abuse of power, supposed or real, in this one town. Against such abuses, the people have in their own hands an effectual remedy now, by choosing fresh men to office. The board of town officers consists of the supervisor, the four justices of the peace and the town clerk, six in all; at every town meeting the people can put out of office the supervisor, the town clerk and one justice of the peace, being one-half of the board. There are a few instances in which towns are authorized to have more than four justices of the peace; but Lenox does not appear to be one of these. All unfaithful members of the board of town auditors can be dismissed by the people at every town meeting, except those among the justices of the peace whose term of office may not terminate with the current year. If the local abuses, supposed or real, which this bill seeks to remedy, lie in improper auditing, by this last named class of officers, of their own bills, a remedy is provided in chapter 274 of the Laws of 1871, which authorizes any tax-payer to appeal from the board of town auditors to the board of supervisors of the county, in respect to the audit of any bill of a justice of the peace. It seems to me, therefore, that the special legislation proposed by this bill, making an alteration in the form of government of this one town, which the Legislature is, obviously, unwilling should be made in the other towns of the State, is unnecessary and unwise.

One section of the bill authorizes the electors of any town in this State to make the proposed law applicable to their own town, by a vote at town meeting. This provision appears to me to be unconstitutional under the decision of the court of appeals, in the case of Barto against Himrod, 8 New York Reports, page 483, even if this were not so, the adoption of the provisions of the bill by some towns, and not by others, would create a diversity in the forms of town governments which is not desirable. It is the interest of the people that there should be uniformity in the town governments, to the end that the rights and duties of the people and of their officers may be readily and clearly understood from the general statute. The bill is special legislation, establishing a special form of government in one town, and is objectionable, in my judgment, for that reason. I feel confident the Legislature will, on reconsideration, take the same view of it.

JOHN T. HOFFMAN.

On motion of Mr. Hyatt, said message was laid on the table.

Mr. Fields offered for the consideration of the House the following privileged resolution:

*Resolved*, That the committee on rules be requested to report a rule or rules defining the duties of the stenographer of the Assembly, and also as to the propriety of said stenographer taking stenographic notes of debates in committee of the whole.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. A. L. Van Dusen, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act exempting the town of Rochester, in the county of Ulster, from bonding for railroad purposes."

"An act to amend chapter 791 of the Laws of 1868, entitled 'An act to more particularly define the duties of overseers of highways, and their appointment, in conformity with the provisions of chapter 522 of the Laws of 1865,' passed May 9, 1868."

"An act to incorporate the Fire Island Hotel and establish ferries across Fire Island or Great South Bay, in Suffolk county."

"An act to authorize the town auditors of the town of Saratoga Springs to issue bonds for the completion of and furnishing the town hall at Saratoga Springs."

"An act to provide for regulating, grading, and graveling the White Plains road, commonly called North street, lying wholly in the town of New Rochelle, and partly in the village of New Rochelle, in the county of Westchester."

"An act to incorporate the Mamaroneck and Rye Neck Fire Department."

"An act to incorporate the Etna Agricultural and Driving Park Association for the improvement of stock, the advancement of agriculture and the mechanic arts."

"An act to prolong the time for the payment of the capital stock of the Cocksackie Malleable and Grey Iron Company, and for the execution and recording of the certificate thereof, and to legalize the acts of said company."

"An act to authorize the Buffalo and Springville Railroad Company to change the terminus of their road."

"An act for the division of the town of Huntington, in the county of Suffolk, and the erection of a new town from the southern part of said town, and for the apportionment of the town property and town debts."

"An act to amend an act entitled 'An act to authorize the village of Dunkirk to issue bonds for the purpose of supplying said village with water, and to create a board of water commissioners,' passed April 13, 1871."

"An act to amend an act entitled 'An act to incorporate the superintendents of the fair ground of the town of Oswegatchie,' passed April 15, 1871."

"An act to incorporate the Ulster General Hospital."

"An act to amend an act entitled 'An act to incorporate the village of Chateaugay in the county of Franklin,' chapter 413, Laws of 1869, and an act amendatory thereof."

"An act in relation to the establishment and care of a cemetery by the village of Geneva, Ontario county, and to provide means for the same."

"An act to incorporate the Protection Hose Association of the village of Plattsburgh, New York."

"An act to incorporate the Importers' and Grocers' Board of Trade of the city of New York."

"An act to amend an act entitled 'An act to revise and amend an act entitled An act to incorporate the village of Canton, passed May 13, 1845, and the several acts amendatory thereof,' passed April 22, 1865, and amended April 6, 1871."

"An act to amend an act entitled 'An act to amend an act, passed July 21, 1853, entitled An act to amend an act to provide for the incorporation of companies to construct plank-roads, passed May 7, 1847,' and the acts amendatory thereof, passed April 14, 1855."

"An act to open and extend South Eleventh street in the city of Brooklyn, from its present termination to Third street."



"An act to release the interest of the people of the State of New York in and to certain lands in Sullivan county to Henry Eisnor."

"An act to confirm the title of certain persons to real estate, questioned by reason of alienage of former owners."

"An act releasing the interests of the State in certain lands of which Hannah Jane Butcher died possessed, to William Butcher, her surviving husband."

"An act in relation to trustees and directors of charitable and benevolent institutions."

"An act entitled 'An act to release to Mary Wheleam the real estate of which John Wheleam died seized, in the town of Canandaigua, county of Ontario.'"

"An act to amend chapter 356 of the Laws of 1859, entitled 'An act concerning salt springs and the manufacture of salt,' passed April 15, 1859."

"An act to authorize the Canal Commissioners to construct a road bridge over the Champlain canal, in the village of Fort Edward, in the county of Washington."

Pursuant to the ninth joint rule, Mr. Speaker announced the order of business third reading of bills.

The bill entitled "An act in relation to non-resident highway taxes upon certain lands in the counties of Hamilton and Warren," being announced for a third reading,

On motion of Mr. Rose, and by unanimous consent, said bill was amended as follows:

Strike out townships 4, 5, 36, 37, 38, 39 and 41.

Strike out the names of "Daniel Cochran" and "John Hodgson" as commissioners, and insert the names of "Martin Hosley, of Wells, Hamilton county," and "James Moore, of Wells, Hamilton county," and "Robert Waddle, of Johnsburgh, Warren county."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }

{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Crandall   | Killian    | Murdock    | Snyder          |
| Aithen        | Eastman    | Kingsland  | Oakley     | Speaker         |
| Alberger      | Fields     | Knapp      | Osgood     | Springsted      |
| Alvord        | Fort       | Lewis      | Pell       | Squires         |
| D. L. Babcock | Fowler     | Lincoln    | Pierce     | Swain           |
| Badeau        | Geib       | Lippitt    | Preston    | D. Tomkins      |
| Beckwith      | Gregory    | G. P. Lord | Ray        | M. M. Tompkins  |
| Bemus         | Haughton   | Lott       | Rice       | Tucker          |
| Bennett       | Hawkins    | Loughran   | Roche      | Twombly         |
| Berri         | Herrick    | Lynde      | Rose       | A. L. Van Dusen |
| Blair         | A. Hill    | Mackay     | Sage       | W. J. Van Dusen |
| Buckley       | Holdridge  | Marcy      | Shepardson | Whitbeck        |
| Burns         | Houghton   | Moore      | Simson     | White           |
| Burritt       | Hungerford | Morton     | Smiley     | Woodward        |
| Carroll       | Husted     | Moseley    | Smith      | Woolsey         |
| Chambers      | Hyatt      | Mosher     | Smyth      | Wyman           |
| Cook          | Judd       | Moulton    | Sniper     | Yeomans         |
| Couchman      | Kennedy    |            |            |                 |



*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

On motion of Mr. Holdridge, and by unanimous consent, the Senate bill entitled "An act to extend the time for the construction of the road of the Cattaraugus Railway Company," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |           |            |            |                 |
|---------------|-----------|------------|------------|-----------------|
| Abbott        | Couchman  | Hungerford | Moulton    | Sniper          |
| Aitken        | Crandall  | Jacobs     | Murdock    | Snyder          |
| Alberger      | Davidson  | Judd       | Osgood     | Speaker         |
| Alvord        | Dunphy    | Kennedy    | Pell       | Springsted      |
| D. L. Babcock | Eastman   | Killian    | Pierce     | Squires         |
| Badeau        | Fields    | Kingsland  | Preston    | M. M. Tompkins  |
| Baltz         | Foley     | Knapp      | Ray        | Tucker          |
| Beckwith      | Fort      | Lewis      | Rice       | Twombly         |
| Bemus         | Fowler    | Lincoln    | Roche      | A. L. Van Dusen |
| Bennett       | Geib      | Lippitt    | Rose       | W. J. Van Dusen |
| Blair         | Gregory   | Lott       | Sage       | Whitbeck        |
| Burns         | Hawkins   | Lynde      | Shepardson | White           |
| Burritt       | Herrick   | Mackay     | Simson     | Woolsey         |
| Carroll       | Holdridge | Moore      | Smith      | Wyman           |
| Chambers      | Hollister | Morton     | Smyth      | Yeomans         |
| Cook          | Houghton  | Moseley    |            |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to release the interest of the people of the State of New York in and to certain lands in Oneida county, to George A. Reynolds," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 93 }  
{ NOES 00 }

Those who voted in the affirmative, were

|             |            |            |            |                 |
|-------------|------------|------------|------------|-----------------|
| Abbott      | Couchman   | Hyatt      | Moulton    | Sniper          |
| Aitken      | Crandall   | Jacobs     | Murdock    | Snyder          |
| Alberger    | Davidson   | Judd       | Oakley     | Speaker         |
| Alvord      | Dunphy     | Kennedy    | Osgood     | Springsted      |
| Badeau      | Eastman    | Killian    | Paige      | Squires         |
| Baltz       | Fields     | Knapp      | Pell       | Swain           |
| Beckwith    | Foley      | Knettles   | Pierce     | D. Tompkins     |
| Bemus       | Fort       | Lewis      | Preston    | M. M. Tompkins  |
| Bennett     | Fowler     | Lincoln    | Ray        | Tucker          |
| Berri       | Geib       | Lippitt    | Rice       | Twombly         |
| Blair       | Gregory    | G. P. Lord | Roche      | A. L. Van Dusen |
| Buckley     | Haight     | Lott       | Rose       | W. J. Van Dusen |
| Buell       | Hawkins    | Loughran   | Sage       | Whitbeck        |
| Burns       | Herrick    | Lynde      | Shepardson | White           |
| Burritt     | A. Hill    | Mackay     | Simson     | Woodward        |
| Carroll     | Hollister  | Marcy      | Smiley     | Woolsey         |
| Chamberlain | Houghton   | Moore      | Smith      | Wyman           |
| Chambers    | Hungerford | Morton     | Smyth      | Yeomans         |
| Cook        | Husted     | Moseley    |            |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to incorporate the Moose River Improvement Company," being announced for a third reading,

On motion of Mr. Smiley, and by unanimous consent, the Senate bill with same title, and on the same subject, being general order 326, was substituted therefor.

Said Senate bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 66 }  
{ NOES 18 }

Those who voted in the affirmative, were

|             |          |            |         |                 |
|-------------|----------|------------|---------|-----------------|
| Abbott      | Cook     | Hollister  | Lynde   | Snyder          |
| Alberger    | Crandall | Houghton   | Mackay  | Speaker         |
| Alvord      | Davidson | Hungerford | Moore   | Squires         |
| Badeau      | Dunphy   | Hyatt      | Morton  | Swain           |
| Baltz       | Eastman  | Jacobs     | Moulton | D. Tomkins      |
| Beckwith    | Fort     | Judd       | Murdock | M. M. Tompkins  |
| Berri       | Fowler   | Kennedy    | Osgood  | Twombly         |
| Blair       | Geib     | Killian    | Ray     | A. L. Van Dusen |
| Buell       | Gregory  | Knapp      | Simson  | W. J. Van Dusen |
| Burns       | Haight   | Knettles   | Smiley  | West            |
| Burritt     | Haughton | Lippitt    | Smith   | White           |
| Carroll     | Hawkins  | G. P. Lord | Smyth   | Wyman           |
| Chamberlain | Herrick  | Loughran   | Sniper  | Yeomans         |
| Chambers    |          |            |         |                 |

Those who voted in the negative, were

|          |         |         |       |            |
|----------|---------|---------|-------|------------|
| Buckley  | A. Hill | Moseley | Roche | Shepardson |
| Couchman | Husted  | Pell    | Rose  | Tucker     |
| Foley    | Lewis   | Pierce  | Sage  | Whitbeck   |
| J. Hayes | Lincoln | Rice    |       |            |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to amend chapter 12 of the Laws of 1872, entitled 'An act prescribing the officers and employes that may be elected, appointed, or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof,' being announced for a third reading,

Mr. Rose moved to recommit said bill to the committee on ways and means, with instructions to strike out the enacting clause.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Rose, and it was determined in the negative.

Said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 3 }

Those who voted for the affirmative, were

|          |          |            |         |        |
|----------|----------|------------|---------|--------|
| Abbott   | Cook     | Hungerford | Morton  | Simson |
| Alberger | Couchman | Husted     | Moseley | Smiley |

|               |           |            |            |                 |
|---------------|-----------|------------|------------|-----------------|
| Alvord        | Crandall  | Hyatt      | Mosher     | Smyth           |
| D. L. Babcock | Dunphy    | Jacobs     | Moulton    | Snyder          |
| Badeau        | Eastman   | Judd       | Murdock    | Springsted      |
| Baltz         | Fort      | Kennedy    | Oakley     | Squires         |
| Beckwith      | Fowler    | Killian    | Osgood     | Swain           |
| Bemus         | Goring    | Knapp      | Paige      | Tucker          |
| Bennett       | Gregory   | Knettles   | Pell       | Twombly         |
| Berri         | Haight    | Lewis      | Pierce     | A. L. Van Dusen |
| Blair         | Haughton  | Lincoln    | Preston    | W. J. Van Dusen |
| Buckley       | Hawkins   | Lippitt    | Ray        | West            |
| Buell         | Herrick   | G. P. Lord | Rice       | White           |
| Burns         | A. Hill   | Loughran   | Roche      | Woolsey         |
| Burritt       | Holdridge | Lynde      | Sage       | Wyman           |
| Carroll       | Hollister | Mackay     | Shepardson | Yeomans         |
| Chamberlain   | Houghton  | Marcy      | Smith      |                 |

Those who voted in the negative, were

Moore                      Rose                      Speaker

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to provide for the purchase of a steam fire-engine in the village of Tonawanda, Erie county, and for the more effectual protection of said village against fire," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Crandall   | Killian    | Oakley     | Squires         |
| Alberger      | Davidson   | Kingsland  | Paige      | Swain           |
| Alvord        | Dunphy     | Knapp      | Pell       | D. Tonakins     |
| D. L. Babcock | Fields     | Knettles   | Pierce     | M. M. Tompkins  |
| Badeau        | Geib       | Lewis      | Preston    | Tucker          |
| Beckwith      | Hawkins    | Lincoln    | Ray        | Twombly         |
| Bemus         | J. Hayes   | Lippitt    | Rice       | A. L. Van Dusen |
| Berri         | Herrick    | G. P. Lord | Roche      | W. J. Van Dusen |
| Blair         | Holdridge  | Loughran   | Rose       | West            |
| Buckley       | Hollister  | Lynde      | Sage       | Whitbeck        |
| Buell         | Houghton   | Mackay     | Shepardson | White           |
| Burns         | Hungerford | Marcy      | Smith      | Wiley           |
| Burritt       | Husted     | Moore      | Sniper     | Woodward        |
| Chamberlain   | Hyatt      | Morton     | Snyder     | Woolsey         |
| Chambers      | Jacobs     | Moseley    | Speaker    | Wyman           |
| Cook          | Judd       | Mosher     | Springsted | Yeomans         |
| Couchman      | Kennedy    | Murdock    |            |                 |

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act relative to the laying out and opening of Madison avenue, north of One Hundred and Twentieth street, in the city of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.



{ AYES 77 }  
{ NOES 9 }

Those who voted in the affirmative, were

|               |           |            |            |                 |
|---------------|-----------|------------|------------|-----------------|
| Aitken        | Cook      | Houghton   | Loughran   | Simson          |
| Alberger      | Couchman  | Hungerford | Lynde      | Smiley          |
| Alvord        | Crandall  | Husted     | Mackay     | Smith           |
| D. L. Babcock | Davidson  | Hyatt      | Marcy      | Sniper          |
| Badeau        | Dunphy    | Jacobs     | Moore      | Snyder          |
| Baltz         | Enos      | Judd       | Morton     | Tucker          |
| Beckwith      | Fields    | Kennedy    | Murdock    | Twombly         |
| Bemus         | Fort      | Killian    | Osgood     | A. L. Van Dusen |
| Bennett       | Fowler    | Kingsland  | Pierce     | W. J. Van Dusen |
| Berri         | Haight    | Knapp      | Preston    | West            |
| Blair         | Haughton  | Knettles   | Ray        | Whitbeck        |
| Buckley       | J. Hayes  | Lewis      | Rice       | White           |
| Buell         | Herrick   | Lincoln    | Roche      | Wiley           |
| Burns         | A. Hill   | Lippitt    | Sage       | Woodward        |
| Burritt       | Holdridge | G. P. Lord | Shepardson | Yeomans         |
| Chamberlain   | Hollister |            |            |                 |

Those who voted in the negative, were

|         |      |            |         |       |
|---------|------|------------|---------|-------|
| Moulton | Pell | Speaker    | Squires | Wyman |
| Paige   | Rose | Springsted | Woolsey |       |

Mr. Moulton moved to reconsider said vote, and that that motion lay on the table.

Mr. Speaker put the question whether the House would agree to said motion to lay on the table, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said motion to reconsider, and it was determined in the negative.

{ AYES 38 }  
{ NOES 54 }

Those who voted in the affirmative, were

|          |           |         |            |                 |
|----------|-----------|---------|------------|-----------------|
| Abbott   | Gregory   | Lincoln | Sage       | Swain           |
| Alberger | Haight    | Lippitt | Shepardson | Twombly         |
| Burritt  | Holdridge | Moore   | Simson     | A. L. Van Dusen |
| Chambers | Houghton  | Moulton | Sniper     | W. J. Van Dusen |
| Enos     | Hyatt     | Osgood  | Speaker    | Woodward        |
| Foley    | Judd      | Paige   | Springsted | Woolsey         |
| Fowler   | Kennedy   | Pell    | Squires    | Wyman           |
| Geib     | Killian   | Roche   |            |                 |

Those who voted in the negative, were

|               |             |            |         |                |
|---------------|-------------|------------|---------|----------------|
| Aitken        | Chamberlain | A. Hill    | Lynde   | Smiley         |
| Alvord        | Cook        | Hollister  | Mackay  | Smith          |
| D. L. Babcock | Couchman    | Hungerford | Marcy   | Snyder         |
| Badeau        | Crandall    | Husted     | Morton  | D. Tomkins     |
| Beckwith      | Davidson    | Jacobs     | Moseley | M. M. Tompkins |
| Berri         | Dunphy      | Kingsland  | Mosher  | Tucker         |
| Blair         | Eastman     | Knapp      | Murdock | Whitbeck       |
| Buckley       | Fields      | Knettles   | Pierce  | White          |
| Buell         | Fort        | Lewis      | Preston | Wiley          |
| Burns         | Haughton    | G. P. Lord | Ray     | Yeomans        |
| Carroll       | Herrick     | Loughran   | Rice    |                |

When the name of Mr. Rose was called he asked to be and was excused from voting.

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to establish

regulations for the port of New York,' passed April 16, 1857," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 9 }

Those who voted in the affirmative, were

|               |          |            |            |                 |
|---------------|----------|------------|------------|-----------------|
| Abbott        | Chambers | Holdridge  | Mackay     | Sniper          |
| Aitken        | Cook     | Hollister  | Marcy      | Snyder          |
| Alberger      | Couchman | Houghton   | Moore      | Speaker         |
| Alvord        | Crandall | Hungerford | Morton     | Springsted      |
| D. L. Babcock | Davidson | Husted     | Mosher     | Squires         |
| Badeau        | Enos     | Hyatt      | Moulton    | Swain           |
| Baltz         | Fields   | Judd       | Murdock    | D. Tomkins      |
| Bemus         | Foley    | Kennedy    | Pell       | Tucker          |
| Bennett       | Fort     | Killian    | Pierce     | Twombly         |
| Berri         | Fowler   | Kingsland  | Preston    | A. L. Van Dusen |
| Buckley       | Geib     | Knapp      | Ray        | W. J. Van Dusen |
| Buell         | Gregory  | Knettles   | Rice       | White           |
| Burns         | Haight   | Lewis      | Rose       | Woodward        |
| Burritt       | J. Hayes | Lincoln    | Shepardson | Wyman           |
| Carroll       | Herrick  | G. P. Lord | Simson     | Yeomans         |
| Chamberlain   | A. Hill  | Lynde      | Smiley     |                 |

Those who voted in the negative, were

|          |          |         |       |         |
|----------|----------|---------|-------|---------|
| Beckwith | Dunphy   | Moseley | Paige | Woolsey |
| Blair    | Loughran | Osgood  | Smith |         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the descent of real estate to female citizens of the United States, and their descendants, notwithstanding their marriage with aliens," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 92 }  
{ NOES 3 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Davidson   | Hyatt      | Mosher     | Sniper          |
| Alberger      | Dunphy     | Jacobs     | Moulton    | Snyder          |
| Alvord        | Enos       | Judd       | Murdock    | Speaker         |
| D. L. Babcock | Fields     | Kennedy    | Oakley     | Springsted      |
| Badeau        | Foley      | Killian    | Osgood     | Squires         |
| Baltz         | Fort       | Kingsland  | Paige      | Swain           |
| Beckwith      | Fowler     | Knapp      | Pell       | D. Tomkins      |
| Bemus         | Geib       | Knettles   | Pierce     | M. M. Tompkins  |
| Bennett       | Gregory    | Lewis      | Preston    | Tucker          |
| Berri         | Haight     | Lincoln    | Ray        | Twombly         |
| Buckley       | Haughton   | Lippitt    | Rice       | A. L. Van Dusen |
| Buell         | J. Hayes   | G. P. Lord | Roche      | W. J. Van Dusen |
| Burns         | Herrick    | Loughran   | Rose       | Whitbeck        |
| Burritt       | A. Hill    | Lynde      | Sage       | White           |
| Carroll       | Holdridge  | Mackay     | Shepardson | Woodward        |
| Chamberlain   | Hollister  | Marcy      | Simson     | Woolsey         |
| Chambers      | Houghton   | Moore      | Smiley     | Wyman           |
| Couchman      | Hungerford | Morton     | Smith      | Yeomans         |
| Crandall      | Husted     |            |            |                 |

Those who voted in the negative, were

Aitken                      Cook                      Moseley

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to repeal chapter 115 of the Laws of 1871, and to place proper restrictions on the appropriations and expenditures of public money by the board of supervisors of Kings county," being announced for a third reading,

Mr. Jacobs moved to recommit said bill to the committee on the affairs of cities.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 69 }  
{ NOES 28 }

Those who voted in the affirmative, were

|               |            |           |         |                 |
|---------------|------------|-----------|---------|-----------------|
| Alberger      | Fort       | Kingsland | Murdock | Springsted      |
| Alvord        | Fowler     | Knapp     | Osgood  | Squires         |
| D. L. Babcock | Geib       | Knottles  | Pell    | Swain           |
| Badeau        | Gregory    | Lewis     | Pierce  | D. Tomkins      |
| Baltz         | Haight     | Lincoln   | Preston | Tucker          |
| Beckwith      | Hawkins    | Lippitt   | Rice    | Twombly         |
| Bemus         | Herrick    | Lott      | Rose    | A. L. Van Dusen |
| Bennett       | Holdridge  | Loughran  | Simson  | W. J. Van Dusen |
| Berri         | Hollister  | Lynde     | Smiley  | White           |
| Burns         | Hungerford | Mackay    | Smith   | Woodward        |
| Burritt       | Hyatt      | Marcy     | Smyth   | Woolsey         |
| Crandall      | Judd       | Moore     | Sniper  | Wyman           |
| Davidson      | Kennedy    | Morton    | Snyder  | Yeomans         |
| Enos          | Killian    | Moulton   | Speaker |                 |

Those who voted in the negative, were

|         |             |            |         |                |
|---------|-------------|------------|---------|----------------|
| Abbott  | Chamberlain | Foley      | Moseley | Roche          |
| Aitken  | Chambers    | Haughton   | Mosher  | Sage           |
| Blair   | Cook        | J. Hayes   | Oakley  | Shepardson     |
| Buckley | Couchman    | A. Hill    | Paige   | M. M. Tompkins |
| Buell   | Dunphy      | Jacobs     | Ray     | Wiley          |
| Carroll | Fields      | G. P. Lord |         |                |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to repeal chapter 877 of the Laws of 1871, and to provide for the transfer of the duties of the register of arrears of taxes to the collector of taxes and assessments of the city of Brooklyn," being announced for a third reading,

Mr. Jacobs moved to recommit said bill to the committee on the affairs of cities.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a



majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 71 }  
{ NOES 24 }

Those who voted in the affirmative, were

|               |            |           |            |                 |
|---------------|------------|-----------|------------|-----------------|
| Alberger      | Fowler     | Killian   | Moulton    | Speaker         |
| Alvord        | Geib       | Kingsland | Murdock    | Springsted      |
| D. L. Babcock | Gregory    | Knapp     | Pell       | Squires         |
| Badeau        | Haight     | Knettles  | Pierce     | Swain           |
| Baltz         | Hawkins    | Lewis     | Preston    | D. Tomkins      |
| Beckwith      | Herrick    | Lincoln   | Rice       | Tucker          |
| Bemus         | Holdridge  | Lippitt   | Rose       | Twombly         |
| Bennett       | Hollister  | Lott      | Shepardson | A. L. Van Dusen |
| Berri         | Houghton   | Loughran  | Simson     | W. J. Van Dusen |
| Burns         | Hungerford | Lynde     | Smiley     | White           |
| Burritt       | Husted     | Mackay    | Smith      | Woodward        |
| Crandall      | Hyatt      | Marcy     | Smyth      | Woolsey         |
| Davidson      | Judd       | Moore     | Sniper     | Wyman           |
| Enos          | Kennedy    | Morton    | Snyder     | Yeemans         |
| Fort          |            |           |            |                 |

Those who voted in the negative, were

|         |             |          |         |                |
|---------|-------------|----------|---------|----------------|
| Aitken  | Chamberlain | Fields   | Jacobs  | Ray            |
| Blair   | Chambers    | Foley    | Moseley | Roche          |
| Buckley | Cook        | Haughton | Mosher  | Sage           |
| Buell   | Couchman    | Healy    | Osgood  | M. M. Tompkins |
| Carroll | Dunphy      | A. Hill  | Paige   |                |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act supplementary to and amendatory of chapter 80, of the Laws of 1870, entitled 'An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defense, and entitled the Military Code,' being announced for a third reading,

On motion of Mr. Sniper, a Senate bill of same title, and on the same subject was substituted.

Said Senate bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 75 }  
{ NOES 15 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Enos       | Kennedy    | Moulton    | Sniper          |
| Alberger      | Fort       | Killian    | Murdock    | Snyder          |
| Alvord        | Fowler     | Kingsland  | Osgood     | Speaker         |
| D. L. Babcock | Geib       | Knapp      | Paige      | Squires         |
| Badeau        | Gregory    | Knettles   | Pell       | Swain           |
| Baltz         | Haight     | Lewis      | Pierce     | D. Tomkins      |
| Beckwith      | Hawkins    | G. P. Lord | Preston    | Tucker          |
| Bemus         | Herrick    | Lott       | Rice       | Twombly         |
| Bennett       | Holdridge  | Loughran   | Rose       | A. L. Van Dusen |
| Blair         | Hollister  | Lynde      | Sage       | W. J. Van Dusen |
| Burns         | Houghton   | Mackay     | Shepardson | White           |
| Burritt       | Hungerford | Marcy      | Simson     | Woodward        |

|             |        |        |        |         |
|-------------|--------|--------|--------|---------|
| Chamberlain | Hyatt  | Moore  | Smiley | Woolsey |
| Crandall    | Jacobs | Morton | Smith  | Wyman   |
| Davidson    | Judd   | Mosher | Smyth  | Yeomans |

Those who voted in the negative, were

|         |          |          |          |                |
|---------|----------|----------|----------|----------------|
| Aitken  | Carroll  | Couchman | Haughton | Roche          |
| Buckley | Chambers | Dunphy   | Moseley  | M. M. Tompkins |
| Buell   | Cook     | Fields   | Ray      | Wiley          |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act in relation to the village of Canandaigua, and to provide a police justice and police constables in said village, and defining their jurisdiction, powers and duties," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, all the members elected to the Assembly not being present and voting.

{ AYES 73 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |            |            |                 |
|---------------|----------|------------|------------|-----------------|
| Alberger      | Cook     | Holdridge  | G. P. Lord | Rose            |
| Alvord        | Couchman | Houghton   | Lott       | Sage            |
| D. L. Babcock | Crandall | Hungerford | Loughran   | Shepardson      |
| Badeau        | Davidson | Husted     | Mackay     | Smith           |
| Baltz         | Enos     | Hyatt      | Moore      | Smyth           |
| Beckwith      | Fields   | Jacobs     | Moulton    | Speaker         |
| Bemus         | Fort     | Judd       | Murdock    | D. Tomkins      |
| Bennett       | Fowler   | Kennedy    | Paige      | M. M. Tompkins  |
| Berri         | Geib     | Kilian     | Pell       | Tucker          |
| Buell         | Gregory  | Kingsland  | Pierce     | A. L. Van Dusen |
| Burns         | Haight   | Knapp      | Preston    | W. J. Van Dusen |
| Burritt       | Haughton | Knettles   | Ray        | Woodward        |
| Carroll       | Hawkins  | Lewis      | Rice       | Wyman           |
| Chamberlain   | Herrick  | Lincoln    | Roche      | Yeomans         |
| Chambers      | A. Hill  | Lippitt    |            |                 |

Mr. Lincoln moved to reconsider said vote.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 94 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |            |         |                 |
|---------------|----------|------------|---------|-----------------|
| Abbott        | Cook     | Hungerford | Moore   | Smyth           |
| Aitken        | Couchman | Husted     | Morton  | Sniper          |
| Alberger      | Crandall | Hyatt      | Mosher  | Speaker         |
| Alvord        | Davidson | Jacobs     | Moulton | Squires         |
| D. L. Babcock | Dunphy   | Judd       | Murdock | Swain           |
| Badeau        | Enos     | Kennedy    | Osgood  | D. Tomkins      |
| Baltz         | Fields   | Kilian     | Paige   | M. M. Tompkins  |
| Beckwith      | Foley    | Kingsland  | Pell    | Tucker          |
| Bemus         | Fort     | Knapp      | Pierce  | Twombly         |
| Bennett       | Fowler   | Knettles   | Preston | A. L. Van Dusen |
| Berri         | Geib     | Lewis      | Ray     | W. J. Van Dusen |
| Blair         | Gregory  | Lincoln    | Rice    | Whitbeck        |
| Buckley       | Haight   | Lippitt    | Roche   | White           |
| Buell         | Haughton | G. P. Lord | Rose    | Wiley           |

|             |           |          |            |          |
|-------------|-----------|----------|------------|----------|
| Burns       | Hawkins   | Lott     | Sage       | Woodward |
| Burritt     | Herrick   | Loughran | Shepardson | Woolsey  |
| Carroll     | A. Hill   | Lynde    | Simson     | Wyman    |
| Chamberlain | Hollister | Mackay   | Smiley     | Yeomans  |
| Chambers    | Houghton  | Marcy    | Smith      |          |

Said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 94 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |           |            |            |                 |
|---------------|-----------|------------|------------|-----------------|
| Abbott        | Couchman  | Hungerford | Moore      | Smith           |
| Aitken        | Crandall  | Husted     | Morton     | Smyth           |
| Alberger      | Davidson  | Hyatt      | Moseley    | Sniper          |
| Alvord        | Dunphy    | Jacobs     | Mosher     | Snyder          |
| D. L. Babcock | Enos      | Judd       | Moulton    | Speaker         |
| Baltz         | Fields    | Kennedy    | Murdock    | Squires         |
| Beckwith      | Foley     | Kilian     | Osgood     | Swain           |
| Bemus         | Fort      | Kingsland  | Paige      | D. Tomkins      |
| Bennett       | Fowler    | Knapp      | Pell       | M. M. Tompkins  |
| Berri         | Geib      | Knettles   | Pierce     | Tucker          |
| Blair         | Gregory   | Lewis      | Preston    | Twombly         |
| Buckley       | Haight    | Lincoln    | Ray        | A. L. Van Dusen |
| Buell         | Haughton  | Lippitt    | Rice       | W. J. Van Dusen |
| Burns         | Hawkins   | G. P. Lord | Roche      | Whitbeck        |
| Burritt       | Herrick   | Lott       | Rose       | Woodward        |
| Carroll       | A. Hill   | Loughran   | Sage       | Woolsey         |
| Chamberlain   | Holdridge | Lynde      | Shepardson | Wyman           |
| Chambers      | Hollister | Mackay     | Simson     | Yeomans         |
| Cook          | Houghton  | Marcy      | Smiley     |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to repeal chapter 737 of the Laws of 1871, entitled 'An act to provide for the election of an auditor for the county of Kings, and prescribing his powers and duties,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 70 }  
{ NOES 24 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Alberger      | Fowler     | Kingsland  | Osgood     | Speaker         |
| Alvord        | Geib       | Knapp      | Pell       | Springsted      |
| D. L. Babcock | Gregory    | Knettles   | Pierce     | Swain           |
| Badeau        | Haight     | Lewis      | Preston    | D. Tomkins      |
| Beckwith      | Hawkins    | Lincoln    | Rice       | Tucker          |
| Bemus         | Herrick    | Lippitt    | Rose       | Twombly         |
| Bennett       | Holdridge  | G. P. Lord | Sage       | A. L. Van Dusen |
| Berri         | Hollister  | Lynde      | Shepardson | W. J. Van Dusen |
| Burns         | Houghton   | Mackay     | Simson     | Whitbeck        |
| Burritt       | Hungerford | Marcy      | Smiley     | White           |
| Crandall      | Husted     | Moore      | Smith      | Woodward        |
| Davidson      | Judd       | Morton     | Smyth      | Woolsey         |
| Enos          | Kennedy    | Moulton    | Sniper     | Wyman           |
| Fort          | Kilian     | Murdock    | Snyder     | Yeomans         |



Those who voted in the negative, were

|         |             |          |         |                |
|---------|-------------|----------|---------|----------------|
| Aitken  | Chamberlain | Fields   | Jacobs  | Ray            |
| Blair   | Chambers    | Foley    | Moseley | Roche          |
| Buckley | Cook        | Haughton | Mosher  | M. M. Tompkins |
| Buell   | Couchman    | J. Hayes | Oakley  | Wiley          |
| Carroll | Dunphy      | A. Hill  | Paige   |                |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the rebuilding and repairing of certain wharves and piers in the city of Brooklyn," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |           |            |            |                 |
|---------------|-----------|------------|------------|-----------------|
| Aitken        | Cook      | Hungerford | Moulton    | Speaker         |
| Alberger      | Couchman  | Husted     | Murdock    | Springsted      |
| Alvord        | Crandall  | Jacobs     | Osgood     | Squires         |
| D. L. Babcock | Davidson  | Judd       | Paige      | Swain           |
| Badeau        | Dunphy    | Kennedy    | Pell       | D Tomkins       |
| Baltz         | Enos      | Kilian     | Pierce     | M. M. Tompkins  |
| Beckwith      | Fields    | Knapp      | Preston    | Tucker          |
| Bemus         | Fort      | Knettles   | Rice       | Twombly         |
| Bennett       | Fowler    | Lewis      | Roche      | A. L. Van Dusen |
| Berri         | Geib      | Lincoln    | Rose       | W. J. Van Dusen |
| Blair         | Gregory   | Loughran   | Sage       | Whitbeck        |
| Buckley       | Haight    | Lynde      | Shepardson | White           |
| Buell         | Haughton  | Mackay     | Simson     | Wiley           |
| Burns         | Hawkins   | Marcy      | Smith      | Woodward        |
| Burritt       | Herrick   | Moore      | Smyth      | Woolsey         |
| Carroll       | A. Hill   | Morton     | Sniper     | Wyman           |
| Chamberlain   | Hollister | Moseley    | Snyder     | Yeomans         |
| Chambers      | Houghton  | Mosher     |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act exempting the town of Rochester, in the county of Ulster, from bonding for railroad purposes," being announced for a third reading,

Mr. Fort moved to recommit said bill to the committee of the whole.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 77 }  
{ NOES 18 }

Those who voted in the affirmative, were

|          |             |           |        |        |
|----------|-------------|-----------|--------|--------|
| Abbott   | Carroll     | Herrick   | Lynde  | Smiley |
| Aitken   | Chamberlain | A. Hill   | Mackay | Smith  |
| Alberger | Chambers    | Holdridge | Marcy  | Sniper |

|               |          |            |         |                 |
|---------------|----------|------------|---------|-----------------|
| Alvord        | Cook     | Hollister  | Moore   | Squires         |
| D. L. Babcock | Couchman | Houghton   | Morton  | D. Tomkins      |
| Badeau        | Dunphy   | Hungerford | Moseley | M. M. Tompkins  |
| Baltz         | Enos     | Husted     | Moulton | Tucker          |
| Beckwith      | Fields   | Hyatt      | Murdock | Twombly         |
| Bemus         | Foley    | Jacobs     | Oakley  | A. L. Van Dusen |
| Bennett       | Fowler   | Judd       | Osgood  | W. J. Van Dusen |
| Blair         | Geib     | Kennedy    | Pierce  | Whitbeck        |
| Buckley       | Gregory  | Kilian     | Ray     | White           |
| Buell         | Haigh    | Knettles   | Roche   | Wiley           |
| Burns         | Haughton | Lott       | Rose    | Woolsey         |
| Burritt       | Hawkins  | Loughran   | Sage    | Wyman           |
| Campbell      | J. Hayes |            |         |                 |

Those who voted in the negative, were

|          |            |         |            |          |
|----------|------------|---------|------------|----------|
| Berri    | Lewis      | Paige   | Shepardson | Swain    |
| Davidson | Lincoln    | Pell    | Simson     | Woodward |
| Fort     | Lippitt    | Preston | Speaker    | Yeomans  |
| Knapp    | G. P. Lord | Rice    |            |          |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

By unanimous consent, Mr. Husted moved that when the House adjourn it be to meet at 7½ o'clock, and that a session be held at that time for the purpose of considering the order of business, "third reading of bills."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Alberger presented a privileged report, in the words following :

ALBANY, *March 6, 1872.*

*To the Hon. the Assembly of the State of New York:*

The undersigned, by direction of the committee on commerce and navigation, respectfully reports that a subpena was issued by said committee, commanding the appearance before them of Graham Brown, to testify in relation to quarantine abuses.

It appears by the accompanying return and affidavit of the sergeant-at-arms that said Brown was duly served with said subpena, and had failed to appear and testify before said committee. It is, therefore, requested that the following resolution be adopted.

F. A. ALBERGER,

*Chairman of Committee on Commerce and Navigation.*

*Resolved*, That the sergeant-at-arms be and is hereby directed to bring before the bar of this House the body of Graham Brown to answer for a contempt of this House in disobeying such subpena, and failing and refusing to appear before said committee on commerce and navigation to testify, as required by said subpena.

ALBANY, *March 6, 1872.*

*To F. A. ALBERGER, Chairman:*

SIR.—In obedience to your order, hereto attached, I have served upon the person named in the notices, to appear as therein directed. The time and manner of serving such notice were as follows: Name, Graham Brown; date of service, February 21; manner of service, in person.

P. J. REINHARDT,

*Sergeant-at-Arms.*

Personally appeared before me, this 6th day of March, 1872, P. J. Reinhardt, who, being duly sworn, deposes and says that the foregoing

is a true return, and further, that said Graham Brown did not appear in obedience to the subpoena.

F. A. ALBERGER,  
*Chairman.*

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. White, at 2 o'clock and 15 minutes, the House took a recess until 7½ o'clock.

### HALF-PAST SEVEN O'CLOCK P. M.

The House again met, when

Mr. Speaker referred to the committee on local and special laws the following entitled bills:

"An act to incorporate the Fire Island Hotel, and establish ferries across Fire Island or Great South Bay, in Suffolk county."

"An act to provide for regulating, grading and graveling the White Plains road, commonly called North street, lying wholly in the town of New Rochelle and partly in the village of New Rochelle, in the county of Westchester."

"An act to incorporate the Mamaroneck and Rye Neck Fire Department."

"An act to incorporate the Etna Agricultural and Driving Park Association, for the improvement of stock, the advancement of agriculture and the mechanic arts."

"An act in relation to the establishment and care of a cemetery by the village of Geneva, Ontario county, and to provide means for the same."

"An act to incorporate the Ulster General Hospital."

"An act to incorporate the Protection Hose Association, of the village of Plattsburgh, New York."

"An act to incorporate the Importers' and Grocers' Board of Trade, of the city of New York."

Mr. Alvord then moved for a call of the roll.

Whereupon the following gentlemen answered to their names:

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Crandall   | Husted     | Moore      | Smyth           |
| Aitken        | Davidson   | Hyatt      | Moseley    | Sniper          |
| Alvord        | Enos       | Jacobs     | Moulton    | Snyder          |
| D. L. Babcock | Fields     | Judd       | Murdock    | Speaker         |
| Badeau        | Foley      | Kennedy    | Pell       | Springsted      |
| Baltz         | Fort       | Kilian     | Pierce     | Swain           |
| Beckwith      | Geib       | Kingsland  | Preston    | D. Tomkins      |
| Bennett       | Green      | Knapp      | Ray        | Tucker          |
| Berri         | Haight     | Lewis      | Rice       | A. L. Van Dusen |
| Blair         | Haughton   | Lincoln    | Roche      | W. J. Van Dusen |
| E. E. Brown   | Hawkins    | Lippitt    | Rose       | Wells           |
| I. D. Brown   | Herrick    | G. P. Lord | Sage       | White           |
| Buell         | A. Hill    | Lott       | Shepardson | Woodward        |
| Burritt       | Holdridge  | Loughran   | Simson     | Woolsey         |
| Campbell      | Hollister  | Mackay     | Smiley     | Wyman           |
| Cook          | Houghton   | Marcy      | Smith      | Yeomans         |
| Couchman      | Hungerford |            |            |                 |

The Senate returned the concurrent resolution, in the words following:  
"Resolved (if the Senate concur), That five hundred copies of the Clerk's



Manual be printed, under the direction of the Clerk, with the amended joint and Assembly rules therein, for the use of the Assembly, at a price not exceeding one dollar per copy," with a message that they had concurred in the passage of the same, with the following amendments:

Strike out the words "five hundred" and insert in lieu thereof the words "one hundred and twenty-eight."

After the word "Manual" insert the words "for the use of the Assembly, and thirty-three for the use of the Senate."

Strike out the words "for the use of the Assembly."

Mr. Husted moved to non-concur with the Senate in their amendments, and that a committee of conference be appointed on the part of the Assembly, and request a like committee on the part of the Senate.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

*Ordered*, That the Clerk return said resolution to the Senate with an appropriate message.

Mr. Speaker announced the following as the conference committee on the part of the Assembly: Messrs. Husted, Mackay, Smiley, Bennett and M. M. Tompkins.

Mr. Speaker also announced Mr. Kilian on standing committees in places formerly assigned to Mr. Frear.

Mr. Lougran, from the committee on engrossed bills, reported as correctly re-engrossed the bills entitled as follows:

"An act to amend chapter 576 of the Laws of 1870, entitled 'An act to provide for the introduction of the European system of steam towage upon the canals of this State,'" [which was recalled from the Governor and amended.]

"An act in relation to non-resident highway taxes upon certain lands in the counties of Hamilton and Warren."

Also, as correctly engrossed:

"Concurrent resolution proposing an amendment to the Constitution relative to pay of members of the Legislature."

The bill entitled "An act to amend chapter 791, of the Laws of 1868, entitled 'An act to more particularly define the duties of overseers of highways, and their appointment, in conformity with the provisions of chapter 522, of the Laws of 1865,' passed May 9, 1868," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, three-fifths of all the members elected to the Assembly not being present and voting.

{ AYES 67 }  
{ NOES 6 }

Those who voted in the affirmative, were

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| Abbott        | Chamberlain | Husted    | Moore      | Snyder          |
| Aitken        | Chambers    | Jacobs    | Morton     | Speaker         |
| Alvord        | Cook        | Judd      | Moseley    | Springsted      |
| D. L. Babcock | Crandall    | Kennedy   | Murdock    | Squires         |
| Badeau        | Davidson    | Kilian    | Pell       | D. Tomkins      |
| Baltz         | Foley       | Kingsland | Preston    | M. M. Tompkins  |
| Bennett       | Fort        | Knapp     | Roche      | Tucker          |
| Berri         | Geib        | Lewis     | Sage       | Twombly         |
| Blair         | Haight      | Lippitt   | Shepardson | A. L. Van Dusen |
| E. E. Brown   | Hawkins     | Loughran  | Simson     | Wells           |

|          |            |        |        |         |
|----------|------------|--------|--------|---------|
| Buell    | Herrick    | Lynde  | Smiley | White   |
| Burritt  | A. Hill    | Mackay | Smyth  | Woolsey |
| Campbell | Hollister  | Marcy  | Sniper | Yeomans |
| Carroll  | Hungerford |        |        |         |

Those who voted in the negative, were

|             |         |            |      |       |
|-------------|---------|------------|------|-------|
| I. D. Brown | Lincoln | G. P. Lord | Rose | Wyman |
| Holdridge   |         |            |      |       |

Mr. Alvord moved to reconsider said vote, and that that motion lay on the table.

Mr. Speaker put the question whether the House would agree to said motion to lay on the table, and it was determined in the affirmative.

The bill entitled "An act to authorize the town auditors of the town of Saratoga Springs to issue bonds for the completion of and furnishing the town hall at Saratoga Springs," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Aitken        | Crandall   | Husted     | Marcy      | Sniper          |
| Alvord        | Davidson   | Hyatt      | Moore      | Speaker         |
| D. L. Babcock | Dunphy     | Jacobs     | Moseley    | Springsted      |
| Badeau        | Fields     | Judd       | Moulton    | Squires         |
| Baltz         | Foley      | Kennedy    | Murdock    | Swain           |
| Bennett       | Fort       | Kilian     | Paige      | D. Tomkins      |
| Berri         | Geib       | Kingsland  | Pell       | M. M. Tompkins  |
| Blair         | Green      | Knapp      | Pierce     | Tucker          |
| E. E. Brown   | Haight     | Knottles   | Preston    | Twombly         |
| I. D. Brown   | Haughton   | Lewis      | Ray        | A. L. Van Dusen |
| Buckley       | Hawkins    | Lincoln    | Rice       | W. J. Van Dusen |
| Buell         | Herrick    | Lippitt    | Roche      | White           |
| Burns         | A. Hill    | G. P. Lord | Rose       | Wiley           |
| Burritt       | Holdridge  | Lott       | Shepardson | Woodward        |
| Campbell      | Hollister  | Loughran   | Simson     | Woolsey         |
| Chambers      | Houghton   | Lynde      | Smiley     | Wyman           |
| Cook          | Hungerford | Mackay     | Smith      | Yeomans         |
| Couchman      |            |            |            |                 |

For the negative.

Smyth

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act authorizing the Syracuse Northern Railroad Company to extend its road and make certain connections, and mortgage its real estate and personal property; and certain towns in Onondaga, Oswego and Jefferson counties to issue bonds in aid thereof," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 68 }  
{ NOES 20 }

Those who voted in the affirmative, were

|               |            |          |            |                 |
|---------------|------------|----------|------------|-----------------|
| Abbott        | Chambers   | Jacobs   | Murdock    | Sniper          |
| Aitken        | Cook       | Judd     | Paige      | Squires         |
| Alvord        | Couchman   | Kennedy  | Pell       | Swain           |
| D. L. Babcock | Dunphy     | Kilian   | Pierce     | D. Tomkins      |
| Badeau        | Enos       | Knapp    | Preston    | M. M. Tompkins  |
| Bemus         | Geib       | Knettles | Ray        | Twombly         |
| Bennett       | Green      | Lewis    | Rice       | W. J. Van Dusen |
| Berri         | Haight     | Lincoln  | Roche      | Wells           |
| Blair         | Herrick    | Lippitt  | Sage       | White           |
| E. E. Brown   | A. Hill    | Loughran | Shepardson | Wiley           |
| I. D. Brown   | Holdridge  | Mackay   | Simson     | Woodward        |
| Buell         | Hollister  | Marcy    | Smiley     | Woolsey         |
| Burns         | Houghton   | Moore    | Smith      | Wyman           |
| Burritt       | Hungerford | Morton   |            |                 |

Those who voted in the negative, were

|             |          |            |         |                 |
|-------------|----------|------------|---------|-----------------|
| Chamberlain | Foley    | Hyatt      | Moseley | Springsted      |
| Crandall    | Haughton | Kingsland  | Moulton | Tucker          |
| Davidson    | Hawkins  | G. P. Lord | Rose    | A. L. Van Dusen |
| Fields      | Husted   | Lynde      | Speaker | Yeomans         |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, with amendments.

The bill entitled "An act to prolong the time for the payment of the capital stock of the Cocksackie Malleable and Grey Iron Company, and for the execution and recording of the certificate thereof, and to legalize the acts of said company," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |           |            |            |                 |
|---------------|-----------|------------|------------|-----------------|
| Abbott        | Couchman  | Houghton   | Marcy      | Smyth           |
| Aitken        | Crandall  | Hungerford | Moore      | Sniper          |
| Alvord        | Davidson  | Husted     | Morton     | Speaker         |
| D. L. Babcock | Dunphy    | Hyatt      | Moseley    | Springsted      |
| Badeau        | Eastman   | Jacobs     | Moulton    | Squires         |
| Bemus         | Enos      | Judd       | Murdock    | Swain           |
| Bennett       | Fields    | Kennedy    | Paige      | D. Tomkins      |
| Blair         | Foley     | Kilian     | Pell       | M. M. Tompkins  |
| E. E. Brown   | Fort      | Kingsland  | Pierce     | Tucker          |
| I. D. Brown   | Geib      | Knapp      | Preston    | Twombly         |
| Buckley       | Green     | Knettles   | Ray        | A. L. Van Dusen |
| Buell         | Haight    | Lewis      | Rice       | Wells           |
| Burns         | Haughton  | Lincoln    | Roche      | White           |
| Burritt       | Hawkins   | Lippitt    | Rose       | Woodward        |
| Carroll       | Herrick   | G. P. Lord | Sage       | Woolsey         |
| Chamberlain   | A. Hill   | Loughran   | Shepardson | Wyman           |
| Chambers      | Holdridge | Lynde      | Smiley     | Yeomans         |
| Cook          | Hollister | Mackay     | Smith      |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the Buffalo and Springville Rail-



road Company to change the terminus of their road," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Couchman   | Husted     | Morton     | Snyder          |
| Aitken        | Crandall   | Hyatt      | Moseley    | Speaker         |
| Alvord        | Davidson   | Jacobs     | Moulton    | Springsted      |
| D. L. Babcock | Dunphy     | Judd       | Murdock    | Squires         |
| Badeau        | Eastman    | Kennedy    | Pell       | D. Tomkins      |
| Baltz         | Enos       | Kilian     | Pierce     | M. M. Tompkins  |
| Bennett       | Fields     | Kingsland  | Preston    | Tucker          |
| Berri         | Foley      | Knapp      | Ray        | Twombly         |
| Blair         | Fort       | Lincoln    | Rice       | A. L. Van Dusen |
| E. E. Brown   | Geib       | Lippitt    | Roche      | W. J. Van Dusen |
| Buckley       | Green      | G. P. Lord | Rose       | Wells           |
| Buell         | Haughton   | Lott       | Sage       | West            |
| Burritt       | Hawkins    | Loughran   | Shepardson | White           |
| Campbell      | A. Hill    | Lynde      | Simson     | Woodward        |
| Carroll       | Holdridge  | Mackay     | Smith      | Woolsey         |
| Chamberlain   | Hollister  | Marcy      | Smyth      | Wyman           |
| Chambers      | Houghton   | Moore      | Sniper     | Yeomans         |
| Cook          | Hungerford |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act for the division of the town of Huntington, in the county of Suffolk, and the erection of a new town from the southern part of said town, and for the apportionment of the town property and town debts," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Couchman   | Husted     | Moseley    | Springsted      |
| Aitken        | Crandall   | Jacobs     | Moulton    | Squires         |
| Alvord        | Davidson   | Judd       | Murdock    | Swain           |
| D. L. Babcock | Dunphy     | Kennedy    | Pell       | D. Tomkins      |
| Badeau        | Eastman    | Kilian     | Pierce     | M. M. Tompkins  |
| Baltz         | Enos       | Kingsland  | Preston    | Tucker          |
| Bennett       | Foley      | Knapp      | Ray        | Twombly         |
| Berri         | Fort       | Knettles   | Rice       | A. L. Van Dusen |
| Blair         | Geib       | Lincoln    | Roche      | W. J. Van Dusen |
| E. E. Brown   | Haight     | Lippitt    | Sage       | Wells           |
| Burns         | Hawkins    | G. P. Lord | Shepardson | West            |
| Burritt       | Herrick    | Lott       | Simson     | White           |
| Campbell      | A. Hill    | Loughran   | Smiley     | Woodward        |
| Carroll       | Holdridge  | Lynde      | Smith      | Woolsey         |
| Chamberlain   | Hollister  | Mackay     | Smyth      | Wyman           |
| Chambers      | Houghton   | Marcy      | Sniper     | Yeomans         |
| Cook          | Hungerford | Moore      | Speaker    |                 |

## For the negative

Rose

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to authorize the village of Dunkirk to issue bonds for the purpose of supplying said village with water, and to create a board of water commissioners,' passed April 13, 1871," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |           |            |            |                 |
|---------------|-----------|------------|------------|-----------------|
| Abbott        | Cook      | Hollister  | Morton     | Speaker         |
| Aitken        | Couchman  | Houghton   | Moulton    | Squires         |
| Alvord        | Crandall  | Hungerford | Murdock    | Swain           |
| D. L. Babcock | Davidson  | Hyatt      | Paige      | D. Tomkins      |
| Badeau        | Dunphy    | Jacobs     | Pell       | M. M. Tompkins  |
| Baltz         | Eastman   | Judd       | Pierce     | Tucker          |
| Bennett       | Enos      | Kennedy    | Preston    | Twombly         |
| Berri         | Fields    | Kilian     | Ray        | A. L. Van Dusen |
| Blair         | Foley     | Kingsland  | Rice       | W. J. Van Dusen |
| E. E. Brown   | Fort      | Knapp      | Roche      | Wells           |
| I. D. Brown   | Geib      | Knettles   | Rose       | West            |
| Buell         | Green     | Lincoln    | Shepardson | White           |
| Burns         | Haight    | G. P. Lord | Simson     | Wiley           |
| Burritt       | Haughton  | Loughran   | Smith      | Woodward        |
| Campbell      | Hawkins   | Lynde      | Smyth      | Woolsey         |
| Carroll       | Herrick   | Mackay     | Sniper     | Wyman           |
| Chamberlain   | A. Hill   | Moore      | Snyder     | Yeomans         |
| Chambers      | Holdridge |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to incorporate the superintendents of the fair ground of the town of Oswegatchie,' passed April 15, 1871," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |            |         |                 |
|---------------|----------|------------|---------|-----------------|
| Abbott        | Chambers | Hollister  | Moore   | Sniper          |
| Aitken        | Cook     | Houghton   | Moulton | Snyder          |
| Alberger      | Couchman | Hungerford | Murdock | Speaker         |
| Alvord        | Crandall | Husted     | Paige   | Squires         |
| D. L. Babcock | Davidson | Judd       | Pell    | Swain           |
| Badeau        | Dunphy   | Kingsland  | Pierce  | D. Tomkins      |
| Bennett       | Eastman  | Knapp      | Preston | M. M. Tompkins  |
| Berri         | Enos     | Knettles   | Ray     | Tucker          |
| Blair         | Fields   | Lincoln    | Rice    | Twombly         |
| E. E. Brown   | Foley    | Lippitt    | Roche   | A. L. Van Dusen |

|             |           |            |            |                 |
|-------------|-----------|------------|------------|-----------------|
| I. D. Brown | Fort      | G. P. Lord | Rose       | W. J. Van Dusen |
| Buckley     | Geib      | Lott       | Sage       | White           |
| Burns       | Green     | Loughran   | Shepardson | Woodward        |
| Burritt     | Haight    | Lynde      | Simson     | Woolsey         |
| Campbell    | Haughton  | Mackay     | Smith      | Wyman           |
| Carroll     | A. Hill   | Marcy      | Smyth      | Yeomans         |
| Chamberlain | Holdridge |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to incorporate the village of Chateaugay, in the county of Franklin,' chapter 413, Laws of 1869, and an act amendatory thereof," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Chamberlain | Hollister  | Mackay     | Sniper          |
| Aitken        | Chambers    | Houghton   | Moore      | Speaker         |
| Alberger      | Cook        | Hungerford | Moseley    | Squires         |
| Alvord        | Couchman    | Husted     | Murdock    | Strahan         |
| D. L. Babcock | Crandall    | Jacobs     | Pell       | Swain           |
| Badeau        | Davidson    | Judd       | Pierce     | D. Tomkins      |
| Baltz         | Dunphy      | Kennedy    | Preston    | M. M. Tompkins  |
| Beckwith      | Eastman     | Kilian     | Ray        | Tucker          |
| Berri         | Fields      | Kingsland  | Roche      | Twombly         |
| Blair         | Fort        | Knapp      | Rose       | A. L. Van Dusen |
| E. E. Brown   | Geib        | Knettles   | Sage       | W. J. Van Dusen |
| I. D. Brown   | Green       | Lincoln    | Shepardson | White           |
| Buckley       | Haughton    | Lippitt    | Simson     | Wiley           |
| Buell         | Hawkins     | G. P. Lord | Smiley     | Woodward        |
| Burritt       | Herrick     | Loughran   | Smith      | Wyman           |
| Campbell      | Holdridge   | Lynde      | Smyth      | Yeomans         |
| Carroll       |             |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to revise and amend an act entitled An act to incorporate the village of Canton, passed May 13, 1845, and the several acts amendatory thereof,' passed April 22, 1865, and amended April 6, 1871," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |         |         |            |
|---------------|----------|---------|---------|------------|
| Abbott        | Couchman | Husted  | Moulton | Snyder     |
| Alberger      | Crandall | Jacobs  | Murdock | Speaker    |
| Alvord        | Dunphy   | Judd    | Paige   | Springsted |
| D. L. Babcock | Eastman  | Kennedy | Pell    | Squires    |
| Badeau        | Enos     | Kilian  | Pierce  | D. Tomkins |



|             |            |            |            |                 |
|-------------|------------|------------|------------|-----------------|
| Baltz       | Fields     | Kingsland  | Preston    | M. M. Tompkins  |
| Bennett     | Foley      | Knapp      | Ray        | Tucker          |
| Berri       | Fort       | Lewis      | Rice       | Twombly         |
| Blair       | Geib       | Lincoln    | Roche      | A. L. Van Dusen |
| E. E. Brown | Green      | Lippitt    | Rose       | W. J. Van Dusen |
| I. D. Brown | Haight     | G. P. Lord | Sage       | Wells           |
| Buell       | Hawkins    | Loughran   | Shepardson | Whitbeck        |
| Burritt     | Herrick    | Lynde      | Simson     | White           |
| Carroll     | A. Hill    | Mackay     | Smith      | Woodward        |
| Chamberlain | Hollister  | Marcy      | Smyth      | Wyman           |
| Chambers    | Houghton   | Moore      | Sniper     | Yeomans         |
| Cook        | Hungerford |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to amend an act passed July 21, 1853, entitled An act to amend an act to provide for the incorporation of companies to construct plank-roads,' passed May 7, 1847, and the acts amendatory thereof, passed April 14, 1855," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |           |            |            |                 |
|---------------|-----------|------------|------------|-----------------|
| Abbott        | Chambers  | Hungerford | Moulton    | Speaker         |
| Aitken        | Cook      | Husted     | Murdock    | Springsted      |
| Alberger      | Couchman  | Hyatt      | Paige      | Squires         |
| Alvord        | Crandall  | Jacobs     | Pell       | Swain           |
| D. L. Babcock | Davidson  | Judd       | Pierce     | D. Tomkins      |
| Badeau        | Dunphy    | Kennedy    | Preston    | M. M. Tompkins  |
| Baltz         | Enos      | Kilian     | Ray        | Tucker          |
| Bennett       | Foley     | Knapp      | Rice       | Twombly         |
| Berri         | Fort      | Knettles   | Roche      | A. L. Van Dusen |
| Blair         | Geib      | Lincoln    | Rose       | W. J. Van Dusen |
| E. E. Brown   | Green     | Lippitt    | Sage       | Wells           |
| I. D. Brown   | Haughton  | G. P. Lord | Shepardson | West            |
| Buell         | Herrick   | Lott       | Simson     | Woodward        |
| Burritt       | A. Hill   | Lynde      | Smiley     | Woolsey         |
| Campbell      | Holdridge | Mackay     | Smith      | Wyman           |
| Carroll       | Hollister | Marcy      | Smyth      | Yeomans         |
| Chamberlain   | Houghton  | Morton     | Sniper     |                 |

For the negative

Moore

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act in relation to Columbia College, in the city of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 72 }  
{ NOES 26 }

Those who voted in the affirmative, were

|               |           |            |            |                 |
|---------------|-----------|------------|------------|-----------------|
| Abbott        | Crandall  | Jacobs     | Moore      | Springsted      |
| Aitken        | Davidson  | Judd       | Morton     | Squires         |
| Alberger      | Enos      | Kennedy    | Moulton    | Swain           |
| Alvord        | Fields    | Kingsland  | Pierce     | D. Tomkins      |
| D. L. Babcock | Foley     | Knapp      | Preston    | M. M. Tompkins  |
| Badeau        | Fort      | Knettles   | Rice       | Twombly         |
| Baltz         | Geib      | Lewis      | Roche      | A. L. Van Dusen |
| Bennett       | Green     | Lincoln    | Rose       | W. J. Van Dusen |
| Berri         | Haight    | Lippitt    | Shepardson | Wells           |
| Burns         | Haughton  | G. P. Lord | Simson     | Whitbeck        |
| Burritt       | Hawkins   | Lott       | Smith      | White           |
| Carroll       | A. Hill   | Loughran   | Sniper     | Woolsey         |
| Chamberlain   | Holdridge | Lynde      | Snyder     | Wyman           |
| Chambers      | Houghton  | Marcy      | Speaker    | Yeomans         |
| Couchman      | Husted    |            |            |                 |

Those who voted in the negative, were

|             |           |            |        |          |
|-------------|-----------|------------|--------|----------|
| Blair       | Cook      | Hungerford | Paige  | Smyth    |
| E. E. Brown | Dunphy    | Hyatt      | Pell   | Tucker   |
| I. D. Brown | Eastman   | Kilian     | Ray    | West     |
| Buckley     | Herrick   | Mackay     | Sage   | Wiley    |
| Buell       | Hollister | Murdock    | Smiley | Woodward |
| Campbell    |           |            |        |          |

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, with amendments.

By unanimous consent, Mr. Mackay introduced a bill entitled "An act to authorize a double session of the court of general sessions of the peace in and for the city and county of New York, and confirming a resolution of the board of supervisors of said county, relative to the judges thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

On motion of Mr. Morton, and by unanimous consent, the bill entitled "An act to regulate the running of certain ferries between the cities of New York and Brooklyn, and to establish rates of ferriage thereon," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof.

{ AYES 36 }  
{ NOES 59 }

Those who voted in the affirmative, were

|             |           |          |         |                 |
|-------------|-----------|----------|---------|-----------------|
| Aitken      | Enos      | Jacobs   | Lott    | Smiley          |
| Alberger    | Fort      | Judd     | Marcy   | Speaker         |
| Alvord      | Geib      | Kennedy  | Morton  | Springsted      |
| Badeau      | Hawkins   | Kilian   | Moseley | Swain           |
| Baltz       | Holdridge | Knettles | Pell    | A. L. Van Dusen |
| Bennett     | Husted    | Lewis    | Preston | White           |
| Berri       | Hyatt     | Lippitt  | Roche   | Yeomans         |
| E. E. Brown |           |          |         |                 |

Those who voted in the negative, were

|               |          |            |        |                |
|---------------|----------|------------|--------|----------------|
| Abbott        | Crandall | Hungerford | Pierce | M. M. Tompkins |
| D. L. Babcock | Davidson | Kingsland  | Ray    | Tucker         |
| Blair         | Dunphy   | Knapp      | Rice   | Twombly        |

|             |           |            |            |                 |
|-------------|-----------|------------|------------|-----------------|
| I. D. Brown | Eastman   | Lincoln    | Rose       | W. J. Van Dusen |
| Buckley     | Fields    | G. P. Lord | Sage       | Wells           |
| Buell       | Foley     | Loughran   | Shepardson | West            |
| Burritt     | Haight    | Lynde      | Simson     | Whitbeck        |
| Carroll     | Haughton  | Mackay     | Smith      | Wiley           |
| Chamberlain | Herrick   | Moore      | Sniper     | Woodward        |
| Chambers    | A. Hill   | Moulton    | Snyder     | Woolsey         |
| Cook        | Hollister | Murdock    | Squires    | Wyman           |
| Couchman    | Houghton  | Paige      | D. Tomkins |                 |

Mr. Bennett moved to reconsider said vote, and that that motion lay on the table.

Mr. Speaker put the question whether the House would agree to said motion to lay on the table, and it was determined in the affirmative.

Mr. West, from the committee on trade and manufactures, to which was recommitted the bill entitled "An act in relation to the manufacture, quality and inspection of gas," reported in favor of the passage of the same, with amendments ; which report was agreed to, and said bill committed to the committee of the whole, retaining its place on general orders.

Leave of absence was granted to Messrs. Beckwith, Fowler, Griffin, J. Hayes, Mosher and Osgood, indefinitely, on account of sickness.

On motion of Mr. West, at 9 o'clock, the House adjourned.

## THURSDAY, MARCH 7, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Smart.

The journal of yesterday was read and approved.

The Senate returned the following entitled bills, with a message that they had passed the same :

"An act to authorize the electors of the town of Lodi, in the county of Seneca, to vote at their annual town meeting, for or against levying a tax of one thousand dollars upon the taxable property of said town, to secure the use and occupation of a town hall for the public purposes of said town."

"An act to amend an act entitled 'An act to amend an act passed March 23, 1850, entitled An act for the protection of purchasers of real estate upon sales by order of surrogates,' passed April 20, 1869."

*Ordered*, That the Clerk deliver said bills to the Governor.

By unanimous consent, Mr. Fields offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That Charles E. Loew, the clerk of the county of New York, report to this House, within ten days after the passage of this resolution, the title of all actions, motions and proceedings in the supreme court of the first judicial district, in which a referee, receiver, arbitrator or commission in lunacy has been appointed, the names of the attorneys in each case, the names of the referee or referees, receiver, arbitrators and commissioners, the amount reported due the plaintiff or defendant, or the amount of relief granted, the amount of costs and allowances in each case, motion or proceeding, the name of the judge before whom such motions or proceedings were had, and the name of the judge by



whom such allowances and costs were made or allowed; said report to embrace the period from January 1st, 1869, up to and including the date of his report. The said Charles E. Loew is hereby directed to furnish to this House all the information in his possession or under his control, whether derived from papers on file in his office or on file with or in possession of the clerks of the various branches of said supreme court, or the clerk of the chambers of said court, calculated to inform this House on the matters referred to in this resolution. The Clerk of this House shall immediately furnish said Charles E. Loew with a copy of this resolution.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act to amend the charter of the Agricultural Insurance Company of Watertown, Jefferson county, New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

"An act to amend an act entitled 'An act to establish a department of police in the city of Buffalo, and to provide for the government thereof,' passed April 26, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Lott, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend an act entitled 'An act to incorporate the village of New Brighton,' passed April 26, 1866, and an act amending the same, passed April 22, 1867; and also an act amending the same, passed April 27, 1871."

"An act to incorporate the Dairyman's Manufacturing Association of Perth."

"An act to confirm the title of Francis Melvin to certain land in the city of Brooklyn."

"An act to amend an act entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' passed April 12, 1848."

"An act to authorize the various towns throughout the State, which shall have an excess of money accruing from the excise law, to expend the same."

"An act to authorize the making of an extension or branch of the Gowanus canal, in the city of Brooklyn."

"An act to legalize the action of the common council of the city of Syracuse in borrowing and donating money to aid the sufferers by fire at Chicago."

"An act for the erection of an iron bridge over the Erie canal at West Troy, in the county of Albany."

"An act in relation to the filing of certain claims of Nicholas Shaub, Charles Shultz, William Hilman, John Kretsel, Christian Deidrich, Jacob Nagle, George Goodnough, Betts and Ayer, Joseph Hermon, John Kippert, Frederick Rodenz, Charles Deidrich, Jr., Frederick Deidrich, John Rahberg, Theodore Hartlaban, John Henning, John Brensing, Charles Deidrich, Sen., Joseph Bliss and Thomas J. Collins."

"An act to amend an act entitled 'An act to incorporate the Haver-

straw Savings Bank, of the town of Haverstraw, in the county of Rockland,' passed April 27, 1871."

"An act in relation to challenges of jurors in criminal cases."

"An act to amend an act entitled 'An act to increase the number of judges of the city court of Brooklyn, and to regulate the civil and criminal jurisdiction thereof,' passed April 28, 1870."

"An act to establish a board of health and of vital statistics in the county of Richmond, and to define its powers and duties."

Pursuant to the ninth joint rule, Mr. Speaker announced the order of business third reading of bills.

By unanimous consent, Mr. Oakley introduced a bill entitled "An act to repeal chapter 928 of the Laws of 1871, entitled 'An act in relation to the laying out, opening and constructing of a public highway in the town of Hempstead, Queens county,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Alvord moved that the bill entitled "An act to amend an act passed May 3, 1870, entitled 'An act to incorporate the city of Troy,' passed April 12, 1816, and the several acts amendatory thereto; and also to amend other acts relating to the city of Troy," be made a special order for Thursday morning next, immediately after reading the journal.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

By unanimous consent, Mr. Alvord moved that the special order, being the bill entitled "An act to amend the charter of the city of Albany, passed March 16, 1870, and the several acts amendatory thereof," ordered considered immediately after the consideration of the bill entitled "An act to amend an act passed May 3, 1870, entitled 'An act to incorporate the city of Troy, passed April 12, 1816,' and the several acts amendatory thereto; and also to amend other acts relating to the city of Troy," be made a special order immediately after the close of the order of business, "third reading of bills."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

By unanimous consent, Mr. Hawkins introduced a bill entitled "An act to provide for the holding of a charter election in the city and county of New York on the second Tuesday of April in the year 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Prince introduced a bill entitled "An act relative to the streets, avenues, wharves, piers and bulkheads of the village of College Point, in the county of Queens," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

The bill entitled "An act to open and extend South Eleventh street, in the city of Brooklyn, from its present termination to Third street," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

|             |            |            |            |                 |
|-------------|------------|------------|------------|-----------------|
| Aitken      | Eastman    | Judd       | Osgood     | Swain           |
| Alvord      | Enos       | Kilian     | Paige      | Tobey           |
| Badeau      | Fields     | Knettles   | Pell       | D. Tomkins      |
| Baltz       | Fort       | Lewis      | Pierce     | M. M. Tompkins  |
| Beckwith    | Green      | Lincoln    | Preston    | Tucker          |
| Bemus       | Greenhalgh | Lippitt    | Ray        | Twombly         |
| Bennett     | Haight     | G. P. Lord | Rice       | A. L. Van Dusen |
| E. E. Brown | Haughton   | Lott       | Roche      | W. J. Van Dusen |
| I. D. Brown | Healy      | Loughran   | Rose       | Wells           |
| Buell       | A. Hill    | Lynde      | Sage       | Whitbeck        |
| Burns       | Holdridge  | Mackay     | Shepardson | White           |
| Burritt     | Hollister  | Marcy      | Simson     | Wiley           |
| Chambers    | Houghton   | Moore      | Smiley     | Woodward        |
| Cook        | Hungerford | Morton     | Smyth      | Woolsey         |
| Couchman    | Husted     | Moseley    | Sniper     | Wyman           |
| Crandall    | Hyatt      | Mosher     | Speaker    | Yeomans         |
| Davidson    | Jacobs     | Murdock    | Springsted |                 |

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to release the interest of the people of the State of New York, in and to certain lands in Sullivan county, to Henry Eisner," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Crandall   | Husted     | Moore      | Sniper          |
| Alvord        | Davidson   | Hyatt      | Morton     | Speaker         |
| D. L. Babcock | Eastman    | Jacobs     | Moseley    | Springsted      |
| Badeau        | Enos       | Judd       | Mosher     | Swain           |
| Baltz         | Fort       | Kennedy    | Moulton    | D. Tomkins      |
| Beckwith      | Geib       | Kilian     | Osgood     | M. M. Tompkins  |
| Bemus         | Goss       | Kingsland  | Paige      | Tucker          |
| Bennett       | Green      | Knapp      | Pierce     | Twombly         |
| Berri         | Greenhalgh | Knettles   | Preston    | A. L. Van Dusen |
| E. E. Brown   | Haight     | Lewis      | Ray        | W. J. Van Dusen |
| I. D. Brown   | Haughton   | Lincoln    | Rice       | Wells           |
| Buell         | Healy      | Lippitt    | Roche      | West            |
| Burritt       | A. Hill    | G. P. Lord | Rose       | White           |
| Carroll       | Holdridge  | Lott       | Sage       | Woodward        |
| Chamberlain   | Hollister  | Loughran   | Shepardson | Woolsey         |
| Chambers      | Houghton   | Mackay     | Simson     | Wyman           |
| Cook          | Hungerford | Marcy      | Smyth      | Yeomans         |
| Couchman      |            |            |            |                 |

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to incorporate the village of New Brighton, passed April 26, 1866, and an act amending the same,' passed April 22, 1867; and also an act amending the same, passed April 27, 1871," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a



majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 90 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Crandall   | Husted     | Moore      | Smyth           |
| Alberger      | Davidson   | Hyatt      | Morton     | Sniper          |
| Alvord        | Eastman    | Jacobs     | Moseley    | Speaker         |
| D. L. Babcock | Enos       | Judd       | Mosher     | Springsted      |
| Badeau        | Fort       | Kennedy    | Moulton    | Swain           |
| Baltz         | Geib       | Kilian     | Murdock    | Tobey           |
| Beckwith      | Green      | Kingsland  | Oakley     | D. Tomkins      |
| Bemus         | Greenhalgh | Knapp      | Osgood     | M. M. Tompkins  |
| Bennett       | Gregory    | Knettles   | Paige      | Tucker          |
| Berri         | Haight     | Lewis      | Pell       | Twombly         |
| E. E. Brown   | Haughton   | Lincoln    | Preston    | W. J. Van Dusen |
| I. D. Brown   | Hawkins    | Lippitt    | Ray        | Wells           |
| Buell         | Healy      | G. P. Lord | Roche      | West            |
| Burritt       | A. Hill    | Lott       | Sage       | Whitbeck        |
| Carroll       | Holdridge  | Loughran   | Shepardson | Woodward        |
| Chamberlain   | Hollister  | Lynde      | Simson     | Woolsey         |
| Chambers      | Houghton   | Mackay     | Smiley     | Wyman           |
| Couchman      | Hungerford | Marcy      | Smith      | Yeomans         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act in relation to trustees and directors of charitable and benevolent institutions," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 84 }  
{ NOES 1 }

Those who voted for the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Chamberlain | Holdridge  | Loughran   | Speaker         |
| Aitken        | Chambers    | Hollister  | Lynde      | Springsted      |
| Alberger      | Couchman    | Houghton   | Mackay     | Tobey           |
| Alvord        | Crandall    | Hungerford | Marcy      | D. Tomkins      |
| D. L. Babcock | Davidson    | Husted     | Morton     | M. M. Tompkins  |
| Badeau        | Eastman     | Hyatt      | Moulton    | Tucker          |
| Baltz         | Enos        | Judd       | Murdock    | Twombly         |
| Beckwith      | Fort        | Kennedy    | Pell       | A. L. Van Dusen |
| Bemus         | Geib        | Kilian     | Preston    | W. J. Van Dusen |
| Bennett       | Green       | Kingsland  | Ray        | Wells           |
| Berri         | Greenhalgh  | Knapp      | Roche      | West            |
| E. E. Brown   | Gregory     | Knettles   | Sage       | Whitbeck        |
| I. D. Brown   | Haight      | Lewis      | Shepardson | Woodward        |
| Buell         | Haughton    | Lincoln    | Simson     | Woolsey         |
| Burns         | Hawkins     | Lippitt    | Smith      | Wyman           |
| Burritt       | Healy       | G. P. Lord | Smyth      | Yeomans         |
| Carroll       | A. Hill     | Lott       | Sniper     |                 |

For the negative

Osgood

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act releasing the interest of the State in certain lands of which Hannah Jane Butcher died possessed, to William Butcher, her surviving husband," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Davidson   | Hyatt      | Moseley    | Speaker         |
| Alberger      | Enos       | Judd       | Moulton    | Springsted      |
| Alvord        | Fort       | Kennedy    | Murdock    | Swain           |
| D. L. Babcock | Fowler     | Kilian     | Osgood     | Tobey           |
| Badeau        | Geib       | Kingsland  | Paige      | D. Tomkins      |
| Baltz         | Green      | Knapp      | Pell       | M. M. Tompkins  |
| Beckwith      | Greenhalgh | Knettles   | Pierce     | Tucker          |
| Bemus         | Gregory    | Lewis      | Preston    | Twombly         |
| Bennett       | Haight     | Lincoln    | Ray        | A. L. Van Dusen |
| Berri         | Haughton   | Lippitt    | Rice       | W. J. Van Dusen |
| E. E. Brown   | Hawkins    | G. P. Lord | Roche      | Wells           |
| I. D. Brown   | Healy      | Loughran   | Sage       | West            |
| Buell         | A. Hill    | Lynde      | Shepardson | Whitbeck        |
| Burns         | Holdridge  | Mackay     | Smiley     | Woodward        |
| Burritt       | Hollister  | Marcy      | Smith      | Woolsey         |
| Carroll       | Houghton   | Moore      | Smyth      | Wyman           |
| Cook          | Hungerford | Morton     | Sniper     | Yeomans         |
| Couchman      | Husted     |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to confirm the title of certain persons to real estate, questioned by reason of alienage of former owners," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 89 }  
{ NOES 3 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Davidson   | Husted     | Moulton    | Squires         |
| Alberger      | Dunphy     | Hyatt      | Murdock    | Swain           |
| Alvord        | Eastman    | Jacobs     | Osgood     | Tobey           |
| D. L. Babcock | Enos       | Kennedy    | Paige      | D. Tomkins      |
| Badeau        | Fort       | Kilian     | Pell       | M. M. Tompkins  |
| Baltz         | Fowler     | Kingsland  | Pierce     | Tucker          |
| Beckwith      | Geib       | Knapp      | Preston    | Twombly         |
| Bemus         | Green      | Knettles   | Ray        | A. L. Van Dusen |
| Bennett       | Greenhalgh | Lewis      | Rice       | W. J. Van Dusen |
| Berri         | Gregory    | Lincoln    | Roche      | Wells           |
| Blair         | Haight     | Lippitt    | Rose       | West            |
| E. E. Brown   | Haughton   | G. P. Lord | Shepardson | Whitbeck        |
| Buell         | Healy      | Loughran   | Smiley     | Wiley           |
| Burns         | A. Hill    | Lynde      | Smith      | Woodward        |
| Burritt       | Holdridge  | Marcy      | Smyth      | Woolsey         |
| Carroll       | Hollister  | Moore      | Sniper     | Wyman           |
| Cook          | Houghton   | Morton     | Speaker    | Yeomans         |
| Crandall      | Hungerford | Moseley    | Springsted |                 |

Those who voted in the negative, were

I. D. Brown      Mackay      Sage

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act entitled 'An act to release to Mary Wheleleam the real estate of which John Wheleleam died seized, in the town of Canandaigua, county of Ontario,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof

{ AYES 95 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Davidson   | Hungerford | Morton     | Springsted      |
| Aitken        | Dunphy     | Husted     | Moseley    | Squires         |
| Alberger      | Eastman    | Hyatt      | Moulton    | Swain           |
| Alvord        | Enos       | Jacobs     | Murdock    | Tobey           |
| D. L. Babcock | Fields     | Judd       | Paige      | D. Tomkins      |
| Badeau        | Fort       | Kennedy    | Pell       | M. M. Tompkins  |
| Baltz         | Fowler     | Kilian     | Pierce     | Tucker          |
| Beckwith      | Geib       | Kingsland  | Preston    | Twombly         |
| Bemus         | Green      | Knapp      | Ray        | A. L. Van Dusen |
| Bennett       | Greenhalgh | Knettles   | Rice       | W. J. Van Dusen |
| Berri         | Gregory    | Lewis      | Rose       | Wells           |
| E. E. Brown   | Haight     | Lincoln    | Sage       | West            |
| I. D. Brown   | Haughton   | Lippitt    | Shepardson | Whitbeck        |
| Burns         | Hawkins    | G. P. Lord | Simson     | White           |
| Burritt       | J. Hayes   | Loughran   | Smiley     | Wiley           |
| Carroll       | Healy      | Lynde      | Smith      | Woodward        |
| Chambers      | A. Hill    | Mackay     | Smyth      | Woolsey         |
| Cook          | Holdridge  | Marcy      | Sniper     | Wymen           |
| Crandall      | Hollister  | Moore      | Speaker    | Yeomans         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 356 of the Laws of 1859, entitled 'An act concerning the salt springs and the manufacture of salt,' passed April 15, 1859," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 91 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Abbott        | Davidson   | Hungerford | Moore   | Speaker         |
| Aitken        | Dunphy     | Husted     | Moseley | Squires         |
| Alberger      | Eastman    | Hyatt      | Moulton | Swain           |
| Alvord        | Enos       | Jacobs     | Murdock | Tobey           |
| D. L. Babcock | Fort       | Judd       | Pell    | D. Tomkins      |
| Badeau        | Fowler     | Kennedy    | Pierce  | M. M. Tompkins  |
| Baltz         | Geib       | Kilian     | Preston | Tucker          |
| Beckwith      | Green      | Kingsland  | Ray     | Twombly         |
| Bemus         | Greenhalgh | Knapp      | Rice    | A. L. Van Dusen |
| Berri         | Gregory    | Knettles   | Roche   | W. J. Van Dusen |
| E. E. Brown   | Haight     | Lewis      | Rose    | Wells           |



|             |           |            |            |          |
|-------------|-----------|------------|------------|----------|
| I. D. Brown | Haughton  | Lincoln    | Sage       | West     |
| Buell       | Hawkins   | Lippitt    | Shepardson | Whitbeck |
| Burns       | Healy     | G. P. Lord | Simson     | White    |
| Burritt     | A. Hill   | Loughran   | Smiley     | Wiley    |
| Carroll     | Holdridge | Lynde      | Smith      | Woodward |
| Chambers    | Hollister | Mackay     | Smyth      | Wyman    |
| Cook        | Houghton  | Marcy      | Sniper     | Yeomans  |
| Couchman    |           |            |            |          |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to establish a board of health and of vital statistics in the county of Richmond, and to define its powers and duties," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 93 }  
{ NOES 2 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Aitken        | Eastman    | Hyatt      | Moseley    | Springsted      |
| Alberger      | Enos       | Jacobs     | Moulton    | Squires         |
| Alvord        | Fort       | Judd       | Murdock    | Swain           |
| D. L. Babcock | Fowler     | Kennedy    | Osgood     | Tobey           |
| Badeau        | Geib       | Kilian     | Paige      | D. Tomkins      |
| Baltz         | Goss       | Kingsland  | Pell       | M. M. Tompkins  |
| Bemus         | Green      | Knapp      | Pierce     | Tucker          |
| Bennett       | Greenhalgh | Knettlés   | Preston    | Twombly         |
| Berri         | Gregory    | Lewis      | Ray        | A. L. Van Dusen |
| E. E. Brown   | Haight     | Lincoln    | Rice       | W. J. Van Dusen |
| Buell         | Haughton   | Lippitt    | Rose       | Wells           |
| Burns         | Hawkins    | G. P. Lord | Shepardson | West            |
| Burritt       | Healy      | Lott       | Simson     | Whitbeck        |
| Carroll       | A. Hill    | Loughran   | Smiley     | White           |
| Chambers      | Holdridge  | Lynde      | Smith      | Woodward        |
| Cook          | Hollister  | Mackay     | Smyth      | Woolsey         |
| Couchman      | Houghton   | Marcy      | Sniper     | Wyman           |
| Davidson      | Hungerford | Moore      | Speaker    | Yeomans         |
| Dunphy        | Husted     | Morton     |            |                 |

Those who voted in the negative, were

I. D. Brown Sage

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act in relation to the dividends of life insurance companies," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 86 }  
{ NOES 4 }

Those who voted in the affirmative, were

|          |          |            |        |            |
|----------|----------|------------|--------|------------|
| Aitken   | Couchman | Houghton   | Moore  | Sniper     |
| Alberger | Davidson | Hungerford | Morton | Speaker    |
| Alvord   | Dunphy   | Husted     | Mosher | Springsted |

|               |            |           |            |                 |
|---------------|------------|-----------|------------|-----------------|
| D. L. Babcock | Eastman    | Hyatt     | Moulton    | Squires         |
| Badeau        | Fort       | Jacobs    | Murdock    | Swain           |
| Baltz         | Fowler     | Kennedy   | Paige      | Tobey           |
| Beckwith      | Geib       | Kilian    | Pell       | D. Tomkins      |
| Bemus         | Green      | Kingsland | Pierce     | Tucker          |
| Bennett       | Greenhalgh | Knapp     | Preston    | Twombly         |
| Berri         | Gregory    | Knettles  | Ray        | A. L. Van Dusen |
| E. E. Brown   | Haight     | Lewis     | Rice       | W. J. Van Dusen |
| I. D. Brown   | Haughton   | Lincoln   | Rose       | Wells           |
| Buell         | Hawkins    | Lippitt   | Sage       | West            |
| Burns         | Healy      | Lott      | Shepardson | White           |
| Burritt       | A. Hill    | Loughran  | Simson     | Woodward        |
| Carroll       | Holdridge  | Lynde     | Smith      | Woolsey         |
| Chambers      | Hollister  | Mackay    | Smyth      | Wyman           |
| Cook          |            |           |            |                 |

Those who voted in the negative, were

|            |         |        |         |
|------------|---------|--------|---------|
| G. P. Lord | Moseley | Osgood | Yeomans |
|------------|---------|--------|---------|

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

Mr. Husted, from the committee on rules, reported a new rule, as follows:

*Rule 70.* It shall be the duty of the stenographer of the Assembly to be present at every session of the House. He shall take stenographic notes of the debates in the House, and in committee of the whole, and shall furnish a copy of the same, written out in long hand, to any member applying therefor, upon the payment to said stenographer of ten cents for each folio; which charge said stenographer may receive in addition to his fixed compensation. The stenographic notes of the debates shall be filed with the clerk, and shall form a portion of the archives of the House. The Clerk of the Assembly is authorized to furnish said stenographer with proper stenographic blank books in which to record said debates, not to exceed fifty dollars for any annual session of the Legislature.

By order of the committee.

JAMES W. HUSTED, *Chairman.*

Mr. I. D. Brown moved to amend said rule by striking out all after the words "committee of the whole."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the adoption of the rule as reported, and it was determined in the affirmative.

Mr. Tobey rose to a question of privilege, and addressed the House thereon as follows:

MR. SPEAKER.—I notice in the New York World of March 1st and 2d, certain articles reflecting on the motives of the Speaker of this House in connection with certain resolutions calling upon the Superintendent of the Insurance Department for information in relation to the examination made by him into the affairs of the Mutual Life Insurance Company. In the course of the investigation into the affairs of the Insurance Department by the sub-committee, of which I am chairman, it appeared in evidence that that company had been examined by the Superintendent, for which he was paid what was claimed to be a very large bill for his expenses. It was for the purpose of ascertaining what

was done by the superintendent, for which he received so large an amount, that I drew the first resolution.

I had no opportunity to offer it myself, as I was about leaving for New York, and therefore passed it over to the chairman of the standing committee on insurance to introduce as soon as it was in order. I did it on consultation with several members of the House—without any desire or thought that it would in any way affect the company—but with the sole desire to obtain all the information we could on the subject we were investigating. When the reply of the superintendent was communicated to the House, I did not think it a compliance with the resolution, and I drew the second resolution after consultation with a distinguished member of the House, not the Speaker, and the ideas contained in that resolution are, to a certain extent, his and not mine. That resolution was also drawn by me, and not by the Speaker, although I think I conversed with him as I did with other members of the House about the subject matter of the resolutions.

I certainly had no feeling against the Mutual Life, and never heard any expressed by either the Speaker or any other member of the House, and never heard any suggestion or intimation that it could in any way injuriously affect the company.

Mr. Alvord rose to a question of privilege, and addressed the House thereon as follows:

He saw that his name was also connected with this matter, and it had been charged that he had stood between the Speaker and certain members on this floor. This was an error. In any course he had taken with reference to the resolution calling upon the Superintendent of the Insurance Department for information, the Speaker was in no way responsible for it. He never had any conversation or understanding with the Speaker on the subject. The gentleman from Essex (Mr. Tobey) spoke to him on the subject of the wording of the second resolution to the insurance superintendent. His suggestion was that the superintendent had not complied with the request made by the House, and that if he had reflected a little more, would not have sent in the answer he did. He (Alvord) suggested to make the resolution a little sharper, so as to let the superintendent understand that he had acted hastily, and that the House did not regard his reply as comporting with its dignity. He repeated that he had no understanding with the Speaker, and his course towards Mr. Husted was not from any previously designed purpose or plan.

Mr. Husted then rose to a question of privilege and addressed the House thereon as follows:

He knew nothing of the matters to which reference had been made before their occurrence. His object in the discussion to which reference had been made was to protect the New York Mutual Life Insurance Company, in which he was a policy-holder. He did not want that company injured in consequence of injudicious proceedings in this House. That was his object, and his only object.

Mr. Speaker then rose to a question of privilege, and addressed the House thereon, as follows:

I regret that circumstances render it necessary for me to speak to a question of privilege. The gentleman who enjoys the privileges of this floor as a reporter of the New York World, has thought proper to write and publish in that paper that I had, as a lawyer, had a suit against the New York Life Insurance Company, had been defeated in the suit, had



threatened to Mr. Lucius Robinson who, he says, was counsel in the suit for the company, that I would have revenge, and that I had resorted to the proceeding referred to by the gentlemen who have just spoken, had written or caused to be written the resolutions mentioned, and had managed to procure the result mentioned to gratify private feelings.

Of all this it is only true that I tried a cause against this company, and my client was unsuccessful. I was only counsel in the cause; I never had seen my client till she went on the witness stand; I had no personal interest or feeling in the cause; I had no reason to complain of the company's depending on the manner in which its counsel conducted their case; I had no reason to doubt, as no one ever has in any case that he decides, that the learned judge who decided this cause pronounced an honest decision; I did not and had no reason to take offense at any one on that trial; I only regretted that my client did not have a better case.

I don't think I had thought of this case from the time I left the City Hall, where it was tried, until I saw this charge in the World. I had nothing whatever to do with the resolutions mentioned, unless Mr. Tobey casually spoke to me as to his intention to make a motion to compel the superintendent to answer his first resolution. I did not write them or either of them, nor suggest them.

Mr. Tobey asked me if his second resolution was privileged, and lest I might make a mistake upon the point I did not advise him until I had had a chance to avail myself of those who had had greater experience in parliamentary matters than I had.

I would not have alluded to this matter if I had not been charged to have been guilty of a dishonorable act as a member of this House, and in a matter so grossly untrue as to have the appearance to have been prompted by the malice of the writer or some one prompting him.

I have not seen Mr. Lucius Robinson, who is mentioned, in a year. He was not counsel in the case mentioned. I could not have made any such threat to him as is alleged. I regret that gentlemen can be found who are so ready to assail the character of others, and hope that more care will be exercised in limiting statements to the truth. No interest can be substantially subserved by falsehood.

I have no ambition but to discharge the duties of this place with fidelity, doing justice to all, and with due regard to the rights of all in this House and out of it. I trust we shall all be actuated by this purpose, and that when we are criticised those who undertake it will limit their statements to the truth.

The bill entitled "An act to authorize the Canal Commissioners to construct a road bridge over the Champlain canal, in the village of Fort Edward, in the county of Washington," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 92 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |          |            |         |            |
|---------------|----------|------------|---------|------------|
| Abbott        | Crandall | Hungerford | Morton  | Speaker    |
| Aitken        | Davidson | Husted     | Moseley | Springsted |
| Alberger      | Dunphy   | Jacobs     | Mosher  | Squires    |
| D. L. Babcock | Eastman  | Judd       | Moulton | Swain      |

|             |            |           |            |                 |
|-------------|------------|-----------|------------|-----------------|
| Badeau      | Fields     | Kennedy   | Murdock    | Tobey           |
| Baltz       | Fort       | Kilian    | Osgood     | D. Tomkins      |
| Beckwith    | Fowler     | Kingsland | Pell       | M. M. Tompkins  |
| Berri       | Geib       | Knapp     | Preston    | Tucker          |
| Blair       | Goss       | Knettles  | Ray        | Twombly         |
| E. E. Brown | Green      | Lewis     | Rice       | A. L. Van Dusen |
| I. D. Brown | Greenhalgh | Lincoln   | Roche      | Wells           |
| Buell       | Gregory    | Lippitt   | Sage       | Whitbeck        |
| Burns       | Haight     | Lott      | Shepardson | White           |
| Campbell    | Haughton   | Loughran  | Simson     | Wiley           |
| Carroll     | Hawkins    | Lynde     | Smith      | Woodward        |
| Chamberlain | Herrick    | Mackay    | Smyth      | Woolsey         |
| Chambers    | A. Hill    | Marcy     | Sniper     | Wyman           |
| Cook        | Hollister  | Moore     | Snyder     | Yeomans         |
| Couchman    | Houghton   |           |            |                 |

For the negative.

Rose

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to legalize certain obligations incurred by the city of Brooklyn," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |            |           |            |                 |
|---------------|------------|-----------|------------|-----------------|
| Alberger      | Chambers   | Houghton  | Moseley    | Springsted      |
| Alvord        | Couchman   | Hyatt     | Murdock    | Squires         |
| D. L. Babcock | Davidson   | Judd      | Osgood     | Swain           |
| Badeau        | Dunphy     | Kennedy   | Paige      | D Tomkins       |
| Baltz         | Eastman    | Kilian    | Pell       | Tucker          |
| Beckwith      | Fields     | Kingsland | Pierce     | Twombly         |
| Bemus         | Fort       | Knettles  | Preston    | A. L. Van Dusen |
| Bennett       | Goss       | Lewis     | Ray        | W. J. Van Dusen |
| Berri         | Greenhalgh | Lincoln   | Rose       | Wells           |
| Blair         | Gregory    | Lott      | Shepardson | West            |
| E. E. Brown   | Griffin    | Loughran  | Simson     | Whitbeck        |
| I. D. Brown   | Haughton   | Lynde     | Smith      | White           |
| Buell         | Hawkins    | Mackay    | Smyth      | Woodward        |
| Burns         | Herrick    | Marcy     | Sniper     | Woolsey         |
| Burritt       | A. Hill    | Moore     | Snyder     | Wyman           |
| Carroll       | Holdridge  | Morton    | Speaker    | Yeomans         |
| Chamberlain   | Hollister  |           |            |                 |

For the negative

Knapp

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to confirm the title of Francis Melvin to certain land in the city of Brooklyn," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

} AYES 92 }  
 } NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Chamberlain | Holdridge  | Moore      | Speaker         |
| Aitken        | Chambers    | Hollister  | Morton     | Springsted      |
| Alberger      | Cook        | Houghton   | Mosher     | Squires         |
| Alvord        | Couchman    | Hungerford | Moulton    | Swain           |
| D. L. Babcock | Crandall    | Hyatt      | Murdock    | Tobey           |
| Badeau        | Davidson    | Jacobs     | Osgood     | D. Tomkins      |
| Baltz         | Eastman     | Kennedy    | Pell       | M. M. Tompkins  |
| Beckwith      | Enos        | Kingsland  | Pierce     | Tucker          |
| Bemus         | Fort        | Knapp      | Preston    | Twombly         |
| Bennett       | Goss        | Knettles   | Ray        | A. L. Van Dusen |
| Berri         | Green       | Lewis      | Rice       | Wells           |
| Blair         | Greenhalgh  | Lincoln    | Roche      | West            |
| E. E. Brown   | Gregory     | Lippitt    | Rose       | Whitbeck        |
| I. D. Brown   | Haight      | G. P. Lord | Shepardson | White           |
| Buell         | Haughton    | Lott       | Simson     | Wiley           |
| Burns         | Hawkins     | Lynde      | Smiley     | Woodward        |
| Burritt       | Healy       | Mackay     | Sniper     | Wyman           |
| Campbell      | Herrick     | Marcy      | Snyder     | Yeomans         |
| Carroll       | A. Hill     |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' passed April 12, 1848," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

} AYES 86 }  
 } NOES 3 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Carroll     | Holdridge  | Lynde      | Smyth           |
| Aitken        | Chamberlain | Hollister  | Mackay     | Snyder          |
| Alberger      | Couchman    | Houghton   | Marcy      | Speaker         |
| Alvord        | Crandall    | Hungerford | Moore      | Springsted      |
| D. L. Babcock | Davidson    | Husted     | Morton     | Swain           |
| Badeau        | Dunphy      | Hyatt      | Moseley    | D. Tomkins      |
| Baltz         | Eastman     | Judd       | Mosher     | M. M. Tompkins  |
| Beckwith      | Fowler      | Kennedy    | Moulton    | Tucker          |
| Bemus         | Goss        | Kilian     | Osgood     | A. L. Van Dusen |
| Bennett       | Green       | Kingsland  | Paige      | Wells           |
| Berri         | Greenhalgh  | Knapp      | Pierce     | West            |
| Blair         | Gregory     | Knettles   | Rice       | Whitbeck        |
| E. E. Brown   | Haughton    | Lewis      | Roche      | White           |
| I. D. Brown   | Hawkins     | Lincoln    | Rose       | Wiley           |
| Buell         | Healy       | Lippitt    | Shepardson | Woodward        |
| Burns         | Herrick     | G. P. Lord | Simson     | Woolsey         |
| Burritt       | A. Hill     | Lott       | Smith      | Yeomans         |
| Campbell      |             |            |            |                 |

Those who voted in the negative, were

Pell                      Sage                      Wyman

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.



The bill entitled "An act to authorize the various towns throughout the State, which shall have an excess of money accruing from the excise law, to expend the same," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 90 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |           |            |            |                 |
|---------------|-----------|------------|------------|-----------------|
| Abbott        | Crandall  | Hollister  | Marcy      | Springsted      |
| Alberger      | Davidson  | Houghton   | Moore      | Squires         |
| Alvord        | Dunphy    | Hungerford | Morton     | Swain           |
| D. L. Babcock | Eastman   | Husted     | Moseley    | D. Tomkins      |
| Badeau        | Enos      | Hyatt      | Mosher     | M. M. Tompkins  |
| Baltz         | Fields    | Jacobs     | Moulton    | Tucker          |
| Beckwith      | Fort      | Judd       | Murdock    | Twombly         |
| Bemus         | Fowler    | Kennedy    | Osgood     | A. L. Van Dusen |
| Bennett       | Geib      | Kilian     | Pell       | W. J. Van Dusen |
| Berri         | Goss      | Kingsland  | Pierce     | Wells           |
| Blair         | Green     | Knapp      | Preston    | West            |
| E. E. Brown   | Gregory   | Lewis      | Rose       | Whitbeck        |
| I. D. Brown   | Haughton  | Lincoln    | Shepardson | White           |
| Buell         | Hawkins   | Lippitt    | Simson     | Wiley           |
| Burns         | Healy     | G. P. Lord | Smiley     | Woodward        |
| Burritt       | Herrick   | Lott       | Smyth      | Woolsey         |
| Campbell      | A. Hill   | Lynde      | Sniper     | Wyman           |
| Carroll       | Holdridge | Mackay     | Speaker    | Yeomans         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the making of an extension or branch of the Gowanus canal, in the city of Brooklyn," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Alberger      | Crandall   | Husted     | Moseley    | Springsted      |
| Alvord        | Davidson   | Hyatt      | Mosher     | Squires         |
| D. L. Babcock | Eastman    | Jacobs     | Moulton    | Swain           |
| Badeau        | Fields     | Judd       | Murdock    | D. Tomkins      |
| Baltz         | Fort       | Kennedy    | Oakley     | M. M. Tompkins  |
| Beckwith      | Fowler     | Kilian     | Osgood     | Twombly         |
| Bemus         | Geib       | Kingsland  | Pell       | A. L. Van Dusen |
| Bennett       | Goss       | Knapp      | Pierce     | W. J. Van Dusen |
| Berri         | Green      | Knettles   | Preston    | Wells           |
| Blair         | Greenhalgh | Lincoln    | Ray        | West            |
| E. E. Brown   | Gregory    | Lippitt    | Rose       | Whitbeck        |
| I. D. Brown   | Haughton   | G. P. Lord | Sage       | White           |
| Buell         | Hawkins    | Loughran   | Shepardson | Wiley           |
| Burns         | Holdridge  | Lynde      | Simson     | Woodward        |
| Burritt       | Hollister  | Marcy      | Smyth      | Woolsey         |
| Carroll       | Houghton   | Moore      | Sniper     | Wyman           |
| Couchman      | Hungerford | Morton     | Speaker    | Yeomans         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to legalize the action of the common council of the city of Syracuse in borrowing and donating money to aid the sufferers by fire at Chicago," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Carroll     | Healy      | G. P. Lord | Simson          |
| Alberger      | Chamberlain | A. Hill    | Loughran   | Smyth           |
| Alvord        | Chambers    | Holdridge  | Lynde      | Sniper          |
| D. L. Babcock | Couchman    | Hollister  | Mackay     | Snyder          |
| Badeau        | Crandall    | Houghton   | Moore      | Speaker         |
| Baltz         | Davidson    | Hungerford | Morton     | Springsted      |
| Beckwith      | Dunphy      | Hyatt      | Moseley    | Squires         |
| Bemus         | Eastman     | Jacobs     | Mosher     | D. Tomkins      |
| Bennett       | Fields      | Judd       | Moulton    | Twombly         |
| Berri         | Fort        | Kennedy    | Murdock    | A. L. Van Dusen |
| Blair         | Fowler      | Kilian     | Osgood     | W. J. Van Dusen |
| E. E. Brown   | Geib        | Kingsland  | Pell       | West            |
| I. D. Brown   | Goss        | Knapp      | Pierce     | Whitbeck        |
| Buell         | Greenhalgh  | Knettles   | Preston    | Woodward        |
| Burns         | Gregory     | Lewis      | Ray        | Woolsey         |
| Burritt       | Haughton    | Lincoln    | Rose       | Wyman           |
| Campbell      | Hawkins     | Lippitt    | Shepardson | Yeomans         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act for the erection of an iron bridge over the Erie canal at West Troy, in the county of Albany," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Couchman   | Hungerford | Morton     | Squires         |
| Aitken        | Crandall   | Husted     | Moseley    | Swain           |
| Alberger      | Davidson   | Hyatt      | Mosher     | D. Tomkins      |
| Alvord        | Dunphy     | Judd       | Moulton    | M. M. Tompkins  |
| D. L. Babcock | Eastman    | Kennedy    | Murdock    | Tucker          |
| Badeau        | Fields     | Kilian     | Pell       | Twombly         |
| Baltz         | Fort       | Kingsland  | Pierce     | A. L. Van Dusen |
| Beckwith      | Fowler     | Knapp      | Preston    | W. J. Van Dusen |
| Bemus         | Geib       | Knettles   | Ray        | Wells           |
| Bennett       | Goss       | Lewis      | Rose       | West            |
| Berri         | Green      | Lincoln    | Sage       | Whitbeck        |
| Blair         | Greenhalgh | Lippitt    | Shepardson | White           |
| E. E. Brown   | Gregory    | Lott       | Simson     | Wiley           |
| I. D. Brown   | Haughton   | Loughran   | Smiley     | Woodward        |
| Buell         | Healy      | Lynde      | Smyth      | Woolsey         |

|          |           |        |            |         |
|----------|-----------|--------|------------|---------|
| Burns    | A. Hill   | Mackay | Sniper     | Wyman   |
| Burritt  | Holdridge | Marcy  | Speaker    | Yeomans |
| Campbell | Houghton  | Moore  | Springsted |         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act in relation to the filing of certain claims of Nicholas Shaub, Charles Shultz, William Hilman, John Kretsel, Christian Deidrich, Jacob Nagle, George Goodnough, Betts and Ayer, Joseph Hermon, John Kippert, Frederick Rodenz, Charles Deidrich, Jr., Frederick Deidrich, John Rahberg, Theodore Hartlaban, John Henning, John Brensing, Charles Deidrich, Sen., Joseph Bliss and Thomas J. Collins," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 3 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Abbott        | Crandall   | Houghton   | Moore   | Swain           |
| Alvord        | Davidson   | Hungerford | Morten  | Tobey           |
| D. L. Babcock | Dunphy     | Hyatt      | Mosher  | D. Tomkins      |
| Badeau        | Eastman    | Jacobs     | Moulton | M. M. Tompkins  |
| Baltz         | Fort       | Judd       | Murdock | Tucker          |
| Beckwith      | Fowler     | Kennedy    | Osgood  | Twombly         |
| Bemus         | Geib       | Kilian     | Pell    | A. L. Van Dusen |
| Bennett       | Goss       | Knettles   | Pierce  | Wells           |
| Berri         | Green      | Lewis      | Preston | West            |
| E. E. Brown   | Greenhalgh | Lincoln    | Ray     | Whitbeck        |
| I. D. Brown   | Gregory    | Lippitt    | Simson  | White           |
| Burns         | Hawkins    | Lott       | Smiley  | Wiley           |
| Burritt       | Healy      | Loughran   | Smyth   | Woodward        |
| Campbell      | Herrick    | Lynde      | Sniper  | Woolsey         |
| Carroll       | Holdridge  | Mackay     | Speaker | Wyman           |
| Chamberlain   | Hollister  | Marcy      | Squires | Yeomans         |
| Cook          |            |            |         |                 |

Those who voted in the negative, were

|      |      |            |
|------|------|------------|
| Rose | Sage | Shepardson |
|------|------|------------|

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to amend an act entitled "An act in relation to stenographers in the circuit courts, courts of oyer and terminer and special terms of the supreme court, in the sixth, seventh and eighth judicial districts," being announced for a third reading,

On motion of Mr. Kingsland, and by unanimous consent, the title of said bill was amended so as to read as follows:

"An act to amend an act entitled 'An act in relation to stenographers in the circuit courts, courts of oyer and terminer, and special terms of the supreme court in the sixth, seventh and eighth judicial districts, and to repeal chapter 41 of the Laws of 1867, and chapter 672 of the Laws of 1869.'"

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.



{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |           |            |                 |
|---------------|------------|-----------|------------|-----------------|
| Aitken        | Cook       | Holdridge | Marcy      | Sniper          |
| Alberger      | Crandall   | Hollister | Moore      | Snyder          |
| Alvord        | Davidson   | Houghton  | Morton     | Speaker         |
| D. L. Babcock | Dunphy     | Husted    | Mosher     | Springsted      |
| Badeau        | Eastman    | Hyatt     | Moulton    | Squires         |
| Baltz         | Fields     | Jacobs    | Murdock    | Swain           |
| Beckwith      | Fort       | Judd      | Oakley     | D. Tomkins      |
| Bemus         | Fowler     | Kennedy   | Osgood     | Tucker          |
| Bennett       | Geib       | Kilian    | Pell       | A. L. Van Dusen |
| Berri         | Green      | Kingsland | Pierce     | Wells           |
| E. E. Brown   | Greenhalgh | Knapp     | Preston    | West            |
| I. D. Brown   | Gregory    | Lewis     | Ray        | White           |
| Buell         | Haight     | Lincoln   | Rose       | Wiley           |
| Burns         | Haughton   | Lippitt   | Shepardson | Woodward        |
| Burritt       | Hawkins    | Lott      | Simson     | Woolsey         |
| Carroll       | Healy      | Loughran  | Smiley     | Wyman           |
| Chamberlain   | Herrick    | Lynde     | Smyth      | Yeomans         |
| Chambers      | A. Hill    | Mackay    |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to increase the number of judges of the city court of Brooklyn, and to regulate the civil and criminal jurisdiction thereof,' passed April 28, 1870," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Crandall   | Hungerford | Morton     | Snyder          |
| Alberger      | Davidson   | Husted     | Moseley    | Speaker         |
| Alvord        | Eastman    | Hyatt      | Mosher     | Springsted      |
| D. L. Babcock | Fields     | Judd       | Moulton    | Squires         |
| Badeau        | Fort       | Kennedy    | Murdock    | D. Tomkins      |
| Baltz         | Fowler     | Kilian     | Oakley     | Tucker          |
| Beckwith      | Geib       | Kingsland  | Pell       | Twombly         |
| Bemus         | Goss       | Knapp      | Pierce     | A. L. Van Dusen |
| Bennett       | Green      | Lewis      | Preston    | W. J. Van Dusen |
| Berri         | Greenhalgh | Lincoln    | Ray        | Wells           |
| E. E. Brown   | Gregory    | Lippitt    | Rose       | West            |
| I. D. Brown   | Hawkins    | Lott       | Shepardson | Whitbeck        |
| Buell         | Herrick    | Loughran   | Simson     | Wiley           |
| Burns         | A. Hill    | Lynde      | Smiley     | Woodward        |
| Burritt       | Holdridge  | Mackay     | Smith      | Woolsey         |
| Carroll       | Hollister  | Marcy      | Smyth      | Wyman           |
| Chamberlain   | Houghton   | Moore      | Sniper     | Yeomans         |
| Cook          |            |            |            |                 |

For the negative

Sage

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act in relation to challenges of jurors in criminal cases," being announced for a third reading,

Mr. Fields moved to recommit said bill to the committee on the judiciary, with instructions to amend, by adding the following as section 2:

"§ 2. Provided that the provisions of this act shall not apply in the empanneling of a petit jury for the trial of any person charged with crime committed prior to the passage of this act."

Change remaining sections to correspond.

Mr. Speaker put the question whether the House would agree to said motion to recommit, and it was determined in the negative.

Said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 17 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Fort       | Kennedy    | Murdock    | Springsted      |
| Alberger      | Fowler     | Kilian     | Osgood     | Swain           |
| Alvord        | Geib       | Kingsland  | Paige      | Tobey           |
| D. L. Babcock | Goss       | Knapp      | Pell       | D. Tomkins      |
| Badeau        | Green      | Knettlcs   | Pierce     | M. M. Tompkins  |
| Baltz         | Greenhalgh | Lewis      | Preston    | Tucker          |
| Beckwith      | Gregory    | Lincoln    | Ray        | Twombly         |
| Bennett       | Haight     | Lippitt    | Rose       | A. L. Van Dusen |
| E. E. Brown   | Hawkins    | G. P. Lord | Sage       | W. J. Van Dusen |
| I. D. Brown   | Herrick    | Lott       | Shepardson | Wells           |
| Burns         | Holdridge  | Loughran   | Simson     | West            |
| Burrill       | Hollister  | Lynde      | Smiley     | Whitbeck        |
| Carroll       | Houghton   | Mackay     | Smith      | White           |
| Chamberlain   | Hungerford | Marcy      | Smyth      | Woodward        |
| Crandall      | Husted     | Moore      | Sniper     | Woolsey         |
| Davidson      | Jacobs     | Morton     | Snyder     | Yeomans         |
| Eastman       | Judd       | Moulton    |            |                 |

Those who voted in the negative, were

|          |          |          |         |         |
|----------|----------|----------|---------|---------|
| Aitken   | Cook     | Haughton | A. Hill | Oakley  |
| Blair    | Couchman | J. Hayes | Moseley | Roche   |
| Buell    | Dunphy   | Healy    | Mosher  | Speaker |
| Campbell | Fields   |          |         |         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to incorporate the Haverstraw Savings Bank, of the town of Haverstraw, in the county of Rockland,' passed April 27, 1871," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 72 }  
{ NOES 18 }

Those who voted in the affirmative, were

|               |          |           |         |                |
|---------------|----------|-----------|---------|----------------|
| Abbott        | Cook     | Kennedy   | Paige   | Tobey          |
| Aitken        | Davidson | Kilian    | Pierce  | D. Tomkins     |
| D. L. Babcock | Dunphy   | Kingsland | Preston | M. M. Tompkins |

|             |            |            |            |                 |
|-------------|------------|------------|------------|-----------------|
| Badeau      | Fowler     | Knapp      | Ray        | Tucker          |
| Baltz       | Geib       | Knettles   | Rose       | Twombly         |
| Beckwith    | Greenhalgh | G. P. Lord | Sage       | A. L. Van Dusen |
| Bennett     | Gregory    | Lott       | Shepardson | W. J. Van Dusen |
| Berri       | Haight     | Loughran   | Smyth      | Wells           |
| Blair       | Haughton   | Mackay     | Sniper     | Whitbeck        |
| E. E. Brown | Hawkins    | Marcy      | Snyder     | White           |
| I. D. Brown | Herrick    | Moore      | Speaker    | Wiley           |
| Burritt     | A. Hill    | Morton     | Springsted | Woodward        |
| Campbell    | Hollister  | Moseley    | Squires    | Woolsey         |
| Carroll     | Houghton   | Murdock    | Swain      | Wyman           |
| Chambers    | Husted     |            |            |                 |

Those who voted in the negative, were

|          |           |            |        |        |
|----------|-----------|------------|--------|--------|
| Alvord   | Goss      | Hungerford | Lynde  | Simson |
| Couchman | J. Hayes  | Jacobs     | Osgood | Smiley |
| Fields   | Healy     | Lewis      | Pell   | West   |
| Fort     | Holdridge | Lincoln    |        |        |

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The "Concurrent resolution proposing an amendment to the Constitution relative to pay of members of the Legislature," was read a third time.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 91 }  
{ NOES 10 }

Those who voted in the affirmative, were

|               |            |            |            |                |
|---------------|------------|------------|------------|----------------|
| Abbott        | Crandall   | Hungerford | Moore      | Smyth          |
| Aitken        | Davidson   | Husted     | Morton     | Sniper         |
| Alberger      | Eastman    | Jacobs     | Moseley    | Snyder         |
| Alvord        | Fields     | Judd       | Mosher     | Speaker        |
| D. L. Babcock | Fort       | Kennedy    | Moulton    | Springsted     |
| Badeau        | Fowler     | Kilian     | Osgood     | Swain          |
| Baltz         | Geib       | Kingsland  | Paige      | Tobey          |
| Beckwith      | Goring     | Knapp      | Pell       | D. Tomkins     |
| Bennett       | Goss       | Knettles   | Pierce     | M. M. Tompkins |
| Berri         | Green      | Lewis      | Preston    | Tucker         |
| I. D. Brown   | Greenhalgh | Lincoln    | Ray        | Twombly        |
| Buell         | Haight     | Lippitt    | Roche      | Wells          |
| Burns         | Hawkins    | G. P. Lord | Rose       | West           |
| Burritt       | Healy      | Lott       | Sage       | Whitbeck       |
| Campbell      | Herrick    | Loughran   | Shepardson | White          |
| Carroll       | A. Hill    | Lynde      | Simson     | Woodward       |
| Chamberlain   | Hollister  | Mackay     | Smiley     | Woolsey        |
| Chambers      | Houghton   | Marcy      | Smith      | Yeomans        |
| Couchman      |            |            |            |                |

Those who voted in the negative, were

|             |          |           |                 |                 |
|-------------|----------|-----------|-----------------|-----------------|
| Blair       | Gregory  | Holdridge | Squires         | W. J. Van Dusen |
| E. E. Brown | Haughton | Murdock   | A. L. Van Dusen | Wyman           |

*Ordered,* That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

A message from the Senate was received and read, in the words following :



IN SENATE, *March 7, 1872.*

*Resolved* (if the Assembly concur), That a respectful message be sent to His Excellency the Governor, requesting the return to the Senate of Senate bill, being "An act to amend an act entitled 'An act to incorporate the village of Port Byron,' passed May 12, 1869."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing that the Assembly have passed the same.

Mr. Speaker announced the special order, being general order 404, entitled "An act to amend the charter of the city of Albany, passed March 16, 1870, and the several acts amendatory thereof."

On motion of Mr. White, at 1 o'clock and 50 minutes, the House took a recess until 7½ o'clock.

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### HALF-PAST SEVEN O'CLOCK P. M.

The House again met,

The Senate returned the bill entitled "An act to confer additional powers upon the New York Steam Cable Towing Company, a corporation organized pursuant to the requirements of chapter 576 of the Laws of 1870, and to authorize said company to issue the preferred stock and bonds thereof," with a message that they had reconsidered their vote upon the final passage of said bill, and as amended passed the same.

*Ordered*, That the Clerk deliver said bill to the Governor.

By unanimous consent, Mr. Campbell introduced a bill entitled "An act to incorporate the Society of St. Vincent de Paul in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Mackay introduced a bill entitled "An act to amend section 2 of chapter 9 of Laws of 1872, entitled 'An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county,' passed January 30, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Burns introduced a bill entitled "An act to repeal the act, and all acts amendatory thereof, and to provide for the incorporation of companies to construct plank-roads, and of companies to construct turnpike roads, so far as the same relates to the Syracuse and Tully plank-road," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Burns introduced a bill entitled "An act to authorize the common council of the city of Syracuse to construct a trunk sewer in Harrison street, and to raise money to pay for the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Fowler introduced a bill entitled "An act to prevent the taking of fish from Loon lake, in the town of Wayland,

Steuben county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Smiley introduced a bill entitled "An act to legalize the acts of the railroad commissioners of the town of Hammond, St. Lawrence county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Davidson introduced a bill entitled "An act to amend the charter of the village of Perry," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Speaker referred the bill entitled "An act to incorporate the Dairyman's Manufacturing Association of Perth," to the committee on local and special laws.

By unanimous consent, on motion of Mr. Jacobs, the report of the committee of ways and means upon the capitol commission investigation was made a special order immediately after the consideration of the Albany charter.

Mr. Judd moved that the special order be suspended for the purpose of introduction of bills.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative, two-thirds of all the members present not voting in favor thereof.

Mr. Speaker announced the special order, being "An act to amend the charter of the city of Albany."

The House then resolved itself into a committee of the whole on the bill entitled as follows:

"An act to amend the charter of the city of Albany, passed March 16, 1870, and the several acts amendatory thereof."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Lott, from said committee, reported progress on said bill, and asked leave to sit again.

The question being upon granting leave,

Mr. Alvord moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

*Ordered*, That said bill be engrossed for a third reading.

Mr. Smyth, from the committee on engrossed bills, reported as corrected engrossed the bill entitled as follows:

"An act to incorporate the city of Kingston."

Mr. Husted, from the committee on local and special laws, to which was referred the bill entitled "An act to provide for regulating, grading and graveling the White Plains road, commonly called North street, lying wholly in the town of New Rochelle, and partly in the village of New Rochelle, in the county of Westchester," reported that there is no general law under which the purposes of said bill can be accomplished; which report was agreed to, and said bill ordered placed upon the calendar of third reading of bills.

Mr. Husted, from the committee on local and special laws, to which was referred the bill entitled "An act to incorporate the Importers' and Grocers' Board of Trade, of the city of New York," reported that there



is no general law applicable to said bill; which report was agreed to, and said bill ordered placed upon the calendar of third reading of bills.

Mr. Husted, from the committee on local and special laws, to which was referred the bill entitled "An act to authorize the construction of a bridge over the Chenango canal at the village of Solsville, in the county of Madison," reported that there is no general law applicable to said bill; which report was agreed to, and said bill ordered placed upon the calendar of third reading of bills.

Mr. Husted, from the committee on local and special laws, to which was referred the bill entitled "An act to incorporate the Fire Island Hotel, and establish ferries across Fire island, or Great South Bay, in Suffolk county," reported that no general law is applicable to said bill; which report was agreed to, and said bill ordered placed upon the calendar of third reading of bills.

Mr. Speaker announced the special order, being the reports of the majority and minority of the committee on ways and means on charges preferred against the new capitol commissioners, the resolution reported by the majority being in the words following:

*Resolved*, That the charges made against the commissioners for erecting the new capitol, and the superintendent of the work thereon, of using the new capitol as a political machine for the purpose of advancing the political interests of said commissioners; that the employes of the State have worked upon private contracts while paid by the State, and that building materials have been taken from the new capitol and appropriated to private and individual use, without good reason, and without accounting to the State therefor, are not proven by the authors of such charges, and have been satisfactorily proven to be untrue.

*Resolved*, That the committee on ways and means be discharged from the further consideration of the matters contained in the preamble and resolution in this report mentioned.

Mr. Jacobs moved to add to the resolutions reported by the majority the following, reported by the minority:

*Resolved*, As the sense of this House, that the law known as the eight hour law should be enforced by the commissioners of the new capitol, and that said law means that eight hours constitute a legal day's work.

Debate arising,

Mr. Twombly moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the negative.

Pending the question on the motion of Mr. Jacobs,

Mr. Rose moved that the House do now adjourn.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. I. D. Brown moved to amend the resolution offered by Mr. Jacobs by striking out the words "and that said law means that eight hours constitute a legal day's work."

Further debate arising,

Mr. White moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. I. D. Brown, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the motion of Mr. Jacobs, and it was determined in the negative.



{ AYES 34 }  
{ NOES 39 }

Those who voted in the affirmative, were

|         |           |          |            |                 |
|---------|-----------|----------|------------|-----------------|
| Aitken  | Chambers  | Jacobs   | Roche      | Tobey           |
| Badeau  | Couchman  | Kilian   | Smiley     | A. L. Van Dusen |
| Bennett | Dunphy    | Knettles | Smith      | Wells           |
| Berri   | Geib      | Lincoln  | Smyth      | White           |
| Buckley | Goring    | Moseley  | Speaker    | Wiley           |
| Buell   | Holdridge | Paige    | Springsted | Woodward        |
| Carroll | Husted    | Ray      | Squires    |                 |

Those who voted in the negative, were

|             |           |          |         |            |
|-------------|-----------|----------|---------|------------|
| Alvord      | Fort      | Lewis    | Murdock | Swain      |
| E. E. Brown | Green     | Lott     | Pell    | D. Tomkins |
| I. D. Brown | Haight    | Loughran | Pierce  | Tucker     |
| Burritt     | Hawkins   | Mackay   | Preston | West       |
| Chamberlain | Houghton  | Marcy    | Rice    | Whitaker   |
| Crandall    | Kennedy   | Moore    | Rose    | Woolsey    |
| Davidson    | Kingsland | Morton   | Sage    | Yeomans    |
| Eastman     | Knapp     | Moulton  | Simson  |            |

Mr. Speaker then put the question whether the House would agree to said resolution, reported by the majority, and it was determined in the affirmative.

On motion of Mr. Squires, at 10 o'clock and 20 minutes, the House adjourned.

FRIDAY, MARCH 8, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. W. Gwynne.

The journal of yesterday was read and approved.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act relating to the town officers and local government of Newtown, in Queens county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act relative to certain land in the city of Brooklyn in Kings county, which in and by the last will and testament of Thomas Poole, deceased, were devised by him to the executors therein named, in trust, for the use and benefit of said testator's daughter Eliza, for and during her natural life," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the petitions of aliens.

"An act to amend and in addition to an act entitled 'An act to incorporate the New England Society in the city of New York,' passed April 15, 1833," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to amend an act entitled 'An act to amend an act entitled An act to provide for a supply of water in the city of Poughkeepsie, and for

sewers therein, passed April 12, 1867,' passed April 9, 1870, and to amend section 1 of chapter 594 of the Laws of 1871, and to further amend chapter 333 of the Laws of 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend the charter of the society of St. John Land, in the county of Suffolk, incorporated under the provisions of an act entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' passed April 12, 1848," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to exempt the real estate of the Home for incurables, Westchester county, from taxation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

"An act to release the title and interest of the people of this State in certain real estate in the town of Frankfort, Herkimer county, to Owen Salisbury," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the petitions of aliens.

"An act to incorporate the Addison Spring Water Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to incorporate the Bay Ridge Contracting Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend 'An act to incorporate the Young Men's Christian Association of the city of Schenectady,' passed April 28, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act for the relief of certain religious societies in the county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to incorporate the Young Men's Christian Association of the town of New Utrecht," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to confirm and make valid the title of the Evangelical Lutheran St. John's Church Unaltered Augsburg Confession, in the city and county of New York, to certain real estate occupied by it in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

The Senate returned the bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to incorporate the village of Port Byron,' passed May 12, 1869," with the following message:

IN SENATE, *March 7, 1872.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Assembly bill entitled "An act to amend an act entitled 'An act to incorporate the village of Port Byron,' passed May 12, 1869."

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Woodin, and by unanimous consent, the same was amended by striking out the third section thereof.

And as amended passed, and ordered sent to the Assembly for concurrence.

Mr. Speaker put the question whether the House would agree to reconsider the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |           |            |            |                 |
|---------------|-----------|------------|------------|-----------------|
| Abbott        | Couchman  | Hungerford | Murdock    | Springsted      |
| Aitken        | Crandall  | Husted     | Osgood     | Tobey           |
| Alvord        | Davidson  | Jacobs     | Pell       | D. Tomkins      |
| D. L. Babcock | Eastman   | Judd       | Pierce     | Tucker          |
| I. H. Babcock | Enos      | Kennedy    | Preston    | Twombly         |
| Badeau        | Ford      | Kilian     | Rice       | A. L. Van Dusen |
| Baltz         | Fort      | Knettles   | Roche      | Wells           |
| Bemus         | Fowler    | Lincoln    | Rose       | West            |
| Bennett       | Goss      | G. P. Lord | Sage       | Whitbeck        |
| I. D. Brown   | Green     | Lott       | Shepardson | White           |
| Buckley       | Gregory   | Loughran   | Simson     | Whitaker        |
| Buell         | Haight    | Mackay     | Smiley     | Wiley           |
| Burns         | Hawkins   | Marcy      | Smyth      | Woodward        |
| Campbell      | Herrick   | Moore      | Sniper     | Woolsey         |
| Carroll       | Holdridge | Mosher     | Snyder     | Wyman           |
| Chambers      | Hollister | Moulton    | Speaker    | Yeomans         |
| Cook          | Houghton  |            |            |                 |

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Davidson   | Houghton   | Marcy      | Snyder          |
| Aitken        | Dunphy     | Hungerford | Moore      | Speaker         |
| Alberger      | Eastman    | Husted     | Moseley    | Squires         |
| Alvord        | Enos       | Hyatt      | Mosher     | Swain           |
| D. L. Babcock | Fort       | Judd       | Murdock    | Tobey           |
| I. H. Babcock | Fowler     | Kennedy    | Pell       | Tucker          |
| Badeau        | Geib       | Kilian     | Pierce     | Twombly         |
| Baltz         | Goring     | Knapp      | Preston    | A. L. Van Dusen |
| Bemus         | Goss       | Knettles   | Rice       | W. J. Van Dusen |
| Berri         | Green      | Lewis      | Roche      | Wells           |
| E. E. Brown   | Greenhalgh | Lincoln    | Rose       | West            |
| I. D. Brown   | Gregory    | Lippitt    | Sage       | Whitaker        |
| Buell         | Haight     | G. P. Lord | Shepardson | Wiley           |
| Burritt       | Hawkins    | Lott       | Simson     | Woodward        |
| Carroll       | Healy      | Loughran   | Smiley     | Woolsey         |
| Chamberlain   | Herrick    | Lynde      | Smyth      | Wyman           |
| Couchman      | Holdridge  | Mackay     | Sniper     | Yeomans         |
| Crandall      | Hollister  |            |            |                 |

*Ordered,* That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment thereto.



The Senate returned the concurrent resolution relative to furnishing copies of the Clerk's Manual, with a message that they consent to a committee of conference, and have appointed as such committee Messrs. Robertson, Léwis and Cock.

The Senate returned the following entitled bill, with a message that they had passed the same :

"An act to authorize the trustees of the M. E. Church of Northville to convey real estate."

*Ordered*, That the Clerk deliver said bill to the Governor.

A message from the Senate was received and read, informing of concurrence in the amendments of the Assembly to the bill entitled as follows :

"An act authorizing the Syracuse Northern Railroad Company to extend its road and make certain connections, and mortgage its real estate and personal property; and certain towns in Onondaga, Oswego, and Jefferson counties to issue bonds in aid thereof."

*Ordered*, That the Clerk return said bill to the Senate.

A message from the Senate was received and read, informing of concurrence in the amendment of the Assembly to the bill entitled as follows :

"An act in relation to Columbia College in the city of New York."

*Ordered*, That the Clerk return said bill to the Senate.

Mr. Smyth, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act to incorporate the Citizens' Plate Glass Insurance Company."

"An act to amend the charter of the city of Albany, passed March 16, 1870, and the several acts amendatory thereof."

Mr. Bennett presented the petitions of several hundred persons, residents of Long Island, for the extension of the tracks of the Fourth avenue railroad, in New York, to the Roosevelt street ferry landing; which was read and referred to the committee on railroads.

Messrs. Enos, Hungerford, West, Green, Wells, Lippitt, Preston, Whitaker, Fowler and Woolsey, severally, presented petitions of citizens of different parts of the State in favor of local prohibition in the sale of intoxicating liquors; which were read and referred to the committee on internal affairs.

Messrs. Herrick and Springsted presented two petitions of citizens of East Greenbush, Rensselaer county, for an act incorporating the Albany and Greenbush Bridge Company; which was read and referred to the committee on commerce and navigation.

Messrs. D. L. Babcock and Herrick presented several petitions of citizens of Albany and Rensselaer counties, praying for the passage of an act requiring the Hudson River Bridge Company to construct a carriage way across their north bridge at Albany; which were read and referred to the committee on commerce and navigation.

Mr. Whitbeck presented the petition of 149 citizens of the State for Bartlett Single Track Elevated railway; which was read and referred to the committee on railroads.

Mr. Paige presented a petition of Hon. Charles O. Connor and 905 others, praying that the New York Elevated Railroad Company be continued and allowed to extend its operations according to the wants of the city; which was read and referred to the committee on railroads.

Mr. A. L. Van Dusen presented a petition of Edward Rice and 74

others of Ontario county, for the repeal of the railroad bonding act; which was read and referred to the committee on railroads.

Mr. Fort presented five petitions of citizens of Oswego county, for the repeal of the present law exempting members of the National Guard from assessment for taxation to the extent of \$1,000; which were read and referred to the committee on the militia.

Mr. D. L. Babcock presented a petition in favor of legalizing primary elections in cities; which was read and referred to the committee on the affairs of cities.

Mr. Osgood presented three petitions of citizens of Rensselaer county for restoration of the capital police act; which were read and referred to the committee on the affairs of cities.

Mr. Smith presented a remonstrance of 219 citizens of the town of Kingsbury, Washington county, against the passage of any law to tax the town \$25,000 to build a court-house in said town; which was read and referred to the committee on internal affairs.

Mr. Judd presented a petition of taxpayers of the village of Edgewater, Staten Island, for amendment to the village charter; which was read and referred to the committee on affairs of villages.

Mr. White presented a petition of residents of the city of Brooklyn, in favor of the passage of an act providing for the exemption of bonds and mortgages from taxation; which was read and referred to the committee on ways and means.

Mr. Chambers presented a remonstrance of tax-payers on Seneca street, in the city of Buffalo, against the amendment to Buffalo East Side Street railway; which was read and referred to the committee on railroads.

Messrs. Whitbeck, Husted, Moulton, Whitaker, Pell, Tucker, Oakley, Preston, Twombly and Couchman, severally, presented petitions of citizens of different portions of the State, in favor of the repeal of the Erie classification act, and for a new election of directors; which were read and referred to the committee on railroads.

Messrs. Berri, Jacobs, Moseley, Roche, Morton, White, Aitken and Bennett, severally, presented remonstrances of five hundred exempt firemen of the city of Brooklyn, against the passage of an act to incorporate the Exempt Firemen's Association of the western district of the city of Brooklyn; which were read and referred to the committee on the affairs of cities.

Mr. I. D. Brown presented a petition of the trustees of Ira Union Cemetery, and citizens of the town of Ira, Cayuga county, for the passage of an act to authorize said cemetery association to acquire title to land; which was read and referred to the committee on charitable and religious societies.

Mr. Fowler presented a petition of Thomas Warner and others, to prevent the taking of fish from Loon lake; which was read and referred to the committee on internal affairs.

Mr. Hyatt presented a petition of W. W. Wimett and others, for an appropriation for the improvement of the channel of Cowassalen creek, in the town of Lenox, Madison county; which was read and referred to the committee on canals.

Mr. Wiley presented a petition of C. C. Severance and others, trustees of Griffith Institute, for an increase of the Literature Fund; which was read and referred to the committee on public education.

Mr. M. M. Tompkins presented the petition in favor of extending the provisions of the act passed April 10, 1855, entitled "An act in relation



to courts of special sessions in and to regulate the police of the county of Rensselaer; which was read and referred to the committee on the judiciary.

Mr. I. H. Babcock presented the petition of citizens of North and South Tonawanda, asking for the construction of a large lock in the State dam at that place, and for the completion of dykes, ditches and culverts as set forth in annexed preamble and resolutions; which was read and referred to the committee on canals.

Messrs. Mackay and Campbell presented two petitions of residents of New York and patrons of the Third Avenue Railroad Company, praying that permission be granted to run palace or drawing-room cars on said railroad; which were read and referred to the committee on railroads.

Mr. A. Hill presented the petition of Elias L. Dutcher in relation to military exemptions; which was read and referred to the committee on the militia.

Messrs. Pell, Bennett, Geib, Mosher, Bemus, Blair, Oakley, Aitken and Dunphy presented nine petitions in favor of Beach Pneumatic railway; which were read and referred to the committee on railroads.

Mr. Moulton presented the petition of the Woman's Hospital of the State of New York, praying for an appropriation; which was read and referred to the committee on ways and means.

Messrs. Crandall, Alvord and A. Hill presented four petitions of citizens of Allegany county for pro rata fares and freights on railroads in this State; which was read and referred to the committee on railroads.

Mr. Moore presented two remonstrances against the repeal of chapter 577 of the Laws of 1864, in relation to the draining of overflowed lands adjoining Black lake in St. Lawrence and Jefferson counties; which were read and referred to the committee on internal affairs.

Mr. Baltz presented a remonstrance against legalizing the acts of the street commissioners of Buffalo and the common council in relation to the abatement of a nuisance in the thirteenth ward of said city of Buffalo; which was read and referred to the committee on the affairs of cities.

Mr. Burritt presented the petition of citizens of Monroe county to regulate freight on railroads; which was read and referred to the committee on railroads.

Mr. Lippitt presented the petition of A. V. Bently and others, of De Ruyter, Madison county, asking for a passage of a law making vaccination compulsory; which was read and referred to the committee on public health.

Messrs. Preston, Murdock, Fowler, D. Hawkins, Smyth, Bemus, I. D. Brown, Wells, Davidson, Buckley, E. E. Brown, Crandall, Woolsey, Knottles, Houghton, A. Hill, I. H. Babcock, Kennedy, Abbott, Baltz, Lewis and Holdridge presented 51 remonstrances from various parts of the State, against legislative interference with the management of the Erie Railway Company; which were read and referred to the committee on railroads.

Mr. Burns presented a petition of citizens of the town of Onondaga in the county of Onondaga, in favor of the recession of the Syracuse and Tully plank-road back to the control of said town; which was read and referred to the committee on roads and bridges.

Mr. Judd presented a petition of citizens of Staten Island, for a metro-



politan police ; which was read and referred to the committee on internal affairs.

Mr. Marcy presented a remonstrance of proprietors of Shinecock hill, against the repeal of chapter 46, of the Laws of 1859 ; which was read and referred to the committee on Indian affairs.

Mr. Houghton presented a petition praying for the repeal of an act in relation to laying out and improving avenues in the village of Saratoga Springs, passed April 2, 1871 ; which was read and referred to the committee on the affairs of villages.

Mr. W. J. Van Dusen presented a petition of Samuel Beekman for relief for damages by leakage of water from the Erie canal ; which was read and referred to the committee on claims.

Mr. Alvord presented a petition of citizens of Syracuse for a law authorizing the common council of that city to acquire certain lands for a park ; which was read and referred to the committee on the affairs of cities.

Mr. Carroll presented a remonstrance of citizens of Verona against the passage of the Niagara Ship Canal bill ; which was read and referred to the committee of the whole.

Mr. Smiley presented a petition of citizens of Hammon, St. Lawrence county, to legalize the acts of the railroad commissioners of that town ; which was read and referred to the committee on railroads.

Mr. Twombly presented a petition of the officers of the North Eastern Homœopathic Medical and Surgical Dispensary of the city of New York, for an appropriation ; which was read and referred to the committee on ways and means.

Mr. Kennedy presented a memorial of the local board of the Geneseo Normal and Training School for an appropriation to enlarge the school building ; which was read and referred to the committee on ways and means.

A message from the Senate was received and read, informing of concurrence in the amendments of the Assembly to the bill entitled as follows :

“An act to amend an act entitled ‘An act in relation to stenographers in the circuit courts, courts of oyer and terminer, and special terms of the supreme court in the sixth, seventh and eighth judicial districts, and to repeal chapter 41 of the Laws of 1867, and chapter 672 of the Laws of 1869.’”

*Ordered*, That the Clerk return said bill to the Senate.

Leave of absence was granted to Mr. Badeau until Monday next ; to Messrs. Balts. Buckley, Crandall and White, until Tuesday ; to Mr. Tucker until Wednesday ; to Mr. Osgood until Thursday, and to Messrs. Davidson and Lynde, indefinitely.

Mr. Alvord, from the committee on ways and means, to which was referred the bill entitled “An act making appropriations for the support of government,” reported in favor of the passage of the same, with amendments ; which report was agreed to, and said bill committed to the committee of the whole, retaining its place on general orders.

On motion of Mr. Alvord, said bill was ordered printed immediately, and made the special order for next Tuesday morning, after reading the journal.

Mr. Alvord, from the committee on ways and means, to which was recommitted the bill entitled “An act to prohibit appropriations of public money or property in aid of sectarian institutions,” report a bill by

way of substitute, entitled, "An act to prevent the appropriation of public money, property or credit to any institution that is under the control of a religious sect or denomination," which report was agreed to, and said substituted bill committed to the committee of the whole.

Mr. Alvord, from the committee on ways and means, to which was recommitment the bill entitled "An act to provide for the payment of certain officers and employes of the Senate and Assembly for their services," (retaining its place on general orders) reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Alvord, from the committee on ways and means, to which was referred the bill entitled "An act for relief to men drafted and mustered into the military service of the United States, or who paid commutation money in lieu thereof, from the several towns in the county of Saratoga," reported adversely thereto, which report was agreed to.

Mr. Alvord, from the committee on ways and means, to which was referred the concurrent resolution relative to an amendment to the Constitution relative to appropriations and taxation, reported in favor of the adoption of the following resolution:

ALBANY, *February 3, 1872.*

Concurrent resolutions proposing an amendment to the Constitution relative to appropriations and taxation:

*Resolved* (if the Senate concur), That section 8 of article 7 of the Constitution of this State be amended so as to read as follows:

§ 8. No moneys shall ever be paid out of the treasury of this State, or any of its funds under its management, except in pursuance of an appropriation by law, nor unless such payment be made within two years next after the passage of such appropriation act; and every such law making a new appropriation or continuing or reviving an appropriation, shall distinctly specify the sum appropriated and the object to which it is to be applied, and it shall not be sufficient for such law to refer to any other law to fix such sum; and no gift, loan or appropriation of public money or property shall be authorized or made by the Legislature, or by the corporate authorities of any county, city, town, or other municipal organization, to, or in favor or aid of any institution, association or object, which is under ecclesiastical or sectarian management or control.

*Resolved* (if the Senate concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity to section one of article thirteen of the Constitution, it be published for three months previous to the time of such election.

*Ordered*, That said resolution be referred to the committee of the whole.

Mr. Jacobs moved to reconsider the vote by which the amendment offered by him to the report of the majority of the committee on ways and means, on the new Capitol investigation was rejected, and that that motion lay on the table.

Mr. Speaker put the question whether the House would agree to said motion to lay on the table, and it was determined in the negative.

{ AYES 39 }  
{ NOES 63 }

Those who voted in the affirmative, were

|          |          |            |         |                 |
|----------|----------|------------|---------|-----------------|
| Aitken   | Carroll  | Healy      | Moseley | M. M. Tompkins  |
| Badeau   | Chambers | A. Hill    | Mosher  | A. L. Van Dusen |
| Bennett  | Cook     | Husted     | Oakley  | Wells           |
| Berri    | Couchman | Jacobs     | Paige   | Whitbeck        |
| Blair    | Dunphy   | Judd       | Ray     | Whitaker        |
| Buckley  | Goring   | Kilian     | Roche   | Wiley           |
| Buell    | Haughton | Lincoln    | Sniper  | Wyman           |
| Campbell | J. Hayes | G. P. Lord | Speaker |                 |

Those who voted in the negative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Crandall   | Herrick    | Marcy      | Smyth           |
| Alberger      | Davidson   | Holdridge  | Moore      | Squires         |
| Alvord        | Eastman    | Hollister  | Morton     | Swain           |
| D. L. Babcock | Enos       | Houghton   | Murdock    | D. Tomkins      |
| I. H. Babcock | Fort       | Hungerford | Pell       | Tucker          |
| Baltz         | Fowler     | Hyatt      | Pierce     | Twombly         |
| Beckwith      | Geib       | Kennedy    | Preston    | W. J. Van Dusen |
| Bemus         | Goss       | Lewis      | Rice       | West            |
| E. E. Brown   | Green      | Lippitt    | Rose       | White           |
| I. D. Brown   | Greenhalgh | Lott       | Sage       | Woodward        |
| Burns         | Gregory    | Loughran   | Shepardson | Woolsey         |
| Burritt       | Haight     | Lynde      | Smith      | Yeomans         |
| Chamberlain   | Hawkins    | Mackay     |            |                 |

Mr. Alvord then called for the reading of the resolution of the Assembly ordering the investigation, being in the words following:

*Whereas*, It is charged in certain resolutions adopted by the "State Workingmen's Assembly" that the new capitol has been used as a political machine for the purpose of advancing the political interests of the capitol commissioners; that employes of the State have worked upon private contracts while paid by the State; and that building materials have been taken from the new capitol and appropriated to private and individual use; therefore,

*Resolved*, That the standing committee on ways and means be, and they hereby are, authorized and required to examine into the truth or falsity of these allegations, and in the progress of these investigations they have full power to send for persons and papers.

Mr. Alvord then called for the reading of the resolution of the majority, in the words following:

*Resolved*, That the charges made against the commissioners for erecting the new capitol, and the superintendent of the work thereon, of using the new capitol as a political machine for the purpose of advancing the political interests of said commissioners; that the employes of the State have worked upon private contracts while paid by the State, and that building materials have been taken from the new capitol and appropriated to private and individual use, without good reason, and without accounting to the State therefor, are not proven by the authors of such charges, and have been satisfactorily proven to be untrue.

*Resolved*, That the committee on ways and means be discharged from the further consideration of the matters contained in the preamble and resolution in this report mentioned.

All which is respectfully submitted.

Mr. Jacobs then called for the reading of the resolution reported by the minority, in the words following:



*Resolved*, As the sense of this House, that the law known as the eight hour law should be enforced by the commissioners of the new Capitol, and that said law means that eight hours constitute a legal day's work.

The question then being on the motion to reconsider,

Mr. Alvord moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion to reconsider, and it was determined in the negative.

{ AYES 37 }  
{ NOES 69 }

Those who voted in the affirmative, were

|             |          |            |         |                 |
|-------------|----------|------------|---------|-----------------|
| Aitken      | Campbell | Healy      | Marcy   | Sniper          |
| Baltz       | Carroll  | A. Hill    | Moseley | Tobey           |
| Bennett     | Chambers | Husted     | Mosher  | M. M. Tompkins  |
| Berri       | Cook     | Jacobs     | Oakley  | A. L. Van Dusen |
| Blair       | Couchman | Kilian     | Paige   | Wells           |
| I. D. Brown | Dunphy   | Lincoln    | Ray     | Whitbeck        |
| Buckley     | Haughton | G. P. Lord | Roche   | Wiley           |
| Buell       | J. Hayes |            |         |                 |

Those who voted in the negative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Eastman    | Hungerford | Murdock    | Speaker         |
| Alberger      | Enos       | Hyatt      | Osgood     | Springsted      |
| Alvord        | Fort       | Judd       | Pell       | Squires         |
| D. L. Babcock | Fowler     | Kennedy    | Pierce     | Swain           |
| I. H. Babcock | Geib       | Knapp      | Preston    | Tucker          |
| Badeau        | Goss       | Knettlies  | Rice       | Twombly         |
| Beckwith      | Green      | Lewis      | Rose       | W. J. Van Dusen |
| Bemus         | Greenhalgh | Lippitt    | Sage       | West            |
| E. E. Brown   | Gregory    | Loughran   | Shepardson | White           |
| Burns         | Haight     | Lynde      | Simson     | Whitaker        |
| Burritt       | Herrick    | Mackay     | Smiley     | Woodward        |
| Chamberlain   | Holdridge  | Moore      | Smith      | Woolsey         |
| Crandall      | Hollister  | Morton     | Smyth      | Yeomans         |
| Davidson      | Houghton   | Moulton    | Snyder     |                 |

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act making appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the first day of October, one thousand eight hundred and seventy-two," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act to re-appropriate moneys for construction of new work upon, and extraordinary repairs of the canals of this State, and for payment of awards made by the canal appraisers," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act authorizing the construction of a swing-bridge over the Chenango canal in the village of Greene in the county of Chenango," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act to authorize the Canal Commissioners to construct

a road bridge over the Chemung canal in the village of Watkins, Schuyler county," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act to improve the navigation of the Baldwinsville canal," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Fort, from the committee on canals, to which was referred the Senate bill entitled "An act to amend chapter 576 of the Laws of 1870, entitled 'An act to provide for the introduction of the European system of steam towage upon the canals of this State,'" reported adversely thereto, for the reason that a similar bill has already passed both houses of this Legislature, and is now in the hands of the Governor, which report was agreed to.

Mr. Geib, from the committee on commerce and navigation, to which was referred the bill entitled "An act to amend an act entitled 'An act to provide for the improvement of Grass river, and of the water power thereon, and to check freshets therein,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Campbell, from the committee on commerce and navigation to which was referred the bill entitled "An act to regulate and establish fees for pilotage to and from the harbor of New York," reported adversely thereto, which report was agreed to.

Mr. Snyder, from the committee on commerce and navigation, to which was recommitted the bill entitled "An act to incorporate the Troy, Lansingburgh and Cohoes Bridge Company, for the purpose of constructing and maintaining a bridge, appurtenances and approaches to the same, over the Hudson river from some point on Van Schaick's island, in the city of Cohoes to some point in the village of Lansingburgh, south of Bolton's brewery, on said river," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole, retaining its place on general orders.

Mr. Judd, from the committee on commerce and navigation, to which was referred the bill entitled "An act to amend chapter 90, Laws of 1869, being an act entitled 'An act to provide for the improvement of the navigation of the Racket river, and of the hydraulic power thereon, and to check freshets therein,' passed April 2, 1869," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Mr. D. L. Babcock, from the committee on commerce and navigation, to which was referred the bill entitled "An act relating to the Pacific Mail Steamship Company," reported in favor of the passage of the same which report was agreed to, and said bill committed to the committee of the whole.

Mr. Campbell dissented from said report.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to incorporate the Oswego Railroad Bridge Company, for the purpose of constructing a railroad bridge across the Oswego river in the city of Oswego," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred



the bill entitled "An act to amend an act entitled 'An act to incorporate the Buffalo East Side Street Railway Company,' passed May 10, 1870," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act requiring the New York Central and Hudson River Railroad Company to change the name of certain stations upon the line of their railroad," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act extending the provisions of certain laws permitting municipal corporations to aid in the construction of railroads to the town of Marcellus, in the county of Onondaga," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act for the extension of the Utica, Chenango and Cortland railroad," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act in relation to the Brooklyn City and Newtown Railroad Company," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to repeal chapter 889 of the Laws of 1871, entitled 'An act to amend chapter 160 of the Laws of 1866, entitled An act to facilitate the construction of the Schoharie Valley railroad,' also, chapter 616 of the Laws of 1867, entitled 'An act to reduce the number of directors of the Schoharie Valley Railroad Company,' to re-enact the portions of the chapters so amended, and the other acts which were repealed by said chapter 889 of the Laws of 1871, and for the election of directors of said railroad company," reported in favor of the passage of the same, with amendments, by substituted bill, and amended the title so as to read: "An act to repeal chapter 889 of the Laws of 1871, entitled 'An act to amend chapter 160 of the Laws of 1866, entitled An act to facilitate the construction of the Schoharie Valley railroad,' also, chapter 616 of the Laws of 1867, entitled 'An act to reduce the number of directors of the Schoharie Valley Railroad Company,' to re-enact the portions of the chapter so amended, and other acts which were repealed by said chapter 889 of the Laws of 1871, and for the election of directors of said railroad; also relative to the bonds and stock of said railroad company, held or owned by the town of Schoharie;" which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the Senate bill entitled "An act concerning the Sodus Bay, Corning and New



York Railroad Company, and providing for a change in its corporate name," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act relating to the Erie Railway Company, repealing chapter 916 of the Laws of 1869, so far as relates to the classification of directors of the Erie Railway Company, and the prolongation thereby of their terms of office and vacating the offices of directors of said company held thereunder, and ordering a new election for a full board of directors of said company, and providing regulations relating to the elections of directors of said company and the transfer of its stock," reported in favor of the passage of the same with amendments; which report was agreed to and said bill committed to the committee of the whole.

Mr. Smyth, from the minority of the committee on railroads, asked leave of the House to present a minority bill and report on the Erie railway bill, and requested that said bill be printed and placed on the files of the House.

The question being on granting leave,

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Smyth then reported by bill entitled "An act relating to the Erie Railway Company, repealing chapter 916 of the Laws of 1869, so far as relates to the classification of directors of the Erie Railway Company, and providing regulations relating to the election of directors of said company, and the transfer of its stock," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Doc. No. 84.)

Mr. Husted then moved that the bills relative to the Erie railway, reported by the majority and minority of said committee, be immediately printed and made a special order for Thursday next, immediately after the consideration of the Troy charter.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Lippitt, from the committee on insurance, to which was referred the bill entitled "An act to amend chapter 463 of the Laws of 1853, entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to the agencies of such companies,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lippitt, from the committee on insurance, to which was referred the bill entitled "An act to extend the time for the organization of the Mutual Life Insurance Company," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lippitt, from the committee on insurance, to which was referred the bill entitled "An act to amend an act to provide for the incorporation of insurance companies, passed June, 25, 1853," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lippitt, from the committee on insurance, to which was referred the bill entitled "An act to enable life insurance companies to restore impaired reserve, and also to transfer their business," reported in favor

of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Woolsey, from the committee on claims, to which was referred the petition of Abner Baker and John Byron Baker, praying for relief, reported in writing, and by bill entitled "An act for the relief of Abner Baker and John Byron Baker," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(*See Doc. No. 86.*)

Mr. Woolsey, from the committee on claims, to which was referred the petition of Joseph Philbrick and Milo M. Spicer, praying for relief, reported in writing, and by bill entitled "An act to authorize the Canal Board to hear and determine the claim of Joseph Philbrick and Milo M. Spicer, for damages to their canal boat 'John J. Wright' her cargo and furniture, and for the delay arising therefrom, occasioned by the dam at Fort Miller being out of repair, and a break therein in the year 1869, and to award damages therefor," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(*See Doc. No. 85.*)

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to lay out a public highway in the towns of Rutland and Le Ray, in the county of Jefferson," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Holdridge dissented from said report.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to provide for widening the Coney Island plank-road, in the county of Kings, and for the subsequent management thereof," passed May 15, 1868," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to repeal the charter of the Buffalo and Hamburg Turnpike Company," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to authorize the commissioners of highways of the towns of Guilderland and New Scotland, in the county of Albany, to lay out and open a certain highway, extending in said towns, of the width of two rods," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to repeal chapter 928, of the Laws of 1871, entitled 'An act in relation to the laying out, opening and constructing of a public highway, in the town of Hempstead, Queens county,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend chapter 117, of the Laws of 1850, entitled 'An act to amend an act to provide for the better



repairing certain roads in the town of Coeymans,' passed December 14 1847," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend chapter 901, Laws of 1869, entitled 'An act to provide for the opening, constructing and continuing Grand street, in the city of Brooklyn, eastern district, to the village of Newtown, Queens county, and to grade highway to the village of Flushing,' passed May, 1869," reported adversely thereto; which report was agreed to.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act in relation to the highways and bridges of the State," reported adversely thereto; which report was agreed to.

Mr. Badeau, from the committee on roads and bridges, to which was recommitted the bill entitled "An act to repeal chapter 808 of the Laws of 1870, entitled 'An act to maintain the bridges over Oneida, Oswego and Salmon rivers, in Oswego county,' " reported adversely thereto.

The question being on agreeing to said report,

Mr. Sage moved to disagree with said report, and that the same be committed to the committee of the whole.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Said bill was referred to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to make free to public use a certain bridge and road in the city of Brooklyn, in Kings county, and in Newtown, Queens county, and provide compensation therefor," reported adversely thereto, which report was agreed to.

Mr. Badeau, from the committee on roads and bridges, to which was referred the Senate bill entitled "An act to allow the town of Bethany, Genesee county, to raise an increased amount of money for the support of roads and bridges in said town," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend, consolidate and re-enact an act entitled An act to incorporate the village of Edgewater, passed March 22, 1866, and an act amending the same, passed April 22, 1867, and to extend the powers of the corporation,' passed May 5, 1870," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to consolidate and amend the several acts relating to the village of Warsaw, and to enlarge the powers of the corporation of said village,' passed March 17, 1860," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend the charter of the village of Warsaw, and to authorize said village to raise money to procure water, and to protect said village and the property therein against loss by fire,' passed February 18, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.



Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act revising, amending and consolidating the charter of and the several acts relating to the village of Geneseo, in the county of Livingston, modifying the powers of the corporation and the duties of its officers," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the Senate bill entitled "An act to amend the act entitled 'An act to amend the several acts incorporating the village of Owego, in the county of Tioga,' passed April 9, 1851," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to revise and consolidate the laws in relation to Amsterdam village, in Montgomery county,' passed April 17, 1864, and to amend subsequent acts amendatory thereof," reported adversely thereto, which report was agreed to.

Mr. Wiley, from the committee on internal affairs, to which was referred the bill entitled "An act to amend section 2 of chapter 890, of the Laws of 1868, entitled 'An act to authorize Lewis Runyon to establish and maintain a ferry across the Seneca Lake at Lodi Landing,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Wiley, from the committee on internal affairs, to which was referred the bill entitled "An act to amend chapter 534 of the Laws of 1871, entitled 'An act relative to the improvement of certain portions of the counties of Westchester and New York, including provisions for communication between said counties, and for improving the navigation of Harlem river and Spuyten Duyvil creek,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Wiley, from the committee on internal affairs, to which was referred the bill entitled "An act to amend an act entitled 'An act authorizing the election of trustees of public lands in the town of East Chester, and defining their duties,' passed May 11, 1846," reported adversely thereto, which report was agreed to.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An to enable the legal voters of any town, county, city or ward to determine by ballot whether the sale, exposing for sale, giving away or suffering to be exposed, sold or given away therein, of intoxicating liquors shall be prohibited, and to provide for the enforcement of prohibition when a majority declare in favor thereof; also to regulate the sale for medicinal, mechanical, chemical or sacramental uses, and to provide for the enforcement of this act," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to repeal chapter 287, of the laws passed April 4, 1871, being an act to amend the law for the assessment and collection of taxes, in cases where farms or lots are divided by county lines," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act supplemental to an act entitled 'An act to regulate and protect the planting of oysters in the public waters of the towns of Jamaica and Hempstead, in the county of Queens,' passed April 20, 1871," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to amend an act entitled 'An act for the appointment of commissioners to lay out a plan for roads and streets in the towns of Kings county,' passed May 7, 1869," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act in relation to making and repairing highways and bridges in the town of Flatlands, in Kings county," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend title 16, chapter 8, part 3 of the Revised Statutes, relative to proceedings for the draining of swamps, marshes, and other low and wet lands, and for the draining of farm lands,' passed May 12, 1869, and to authorize commissioners appointed under said act to borrow money for the purposes thereof, and to provide for the payment of the same," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Tucker, from the committee on internal affairs, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend an act to reduce the number of town officers and town and county expenses, and to prevent abuses in auditing town and county accounts,' passed May 10, 1845,' passed December 14, 1847," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Mr. Couchman, from the committee on internal affairs, to which was referred the bill entitled "An act to amend an act entitled 'An act for the protection of the planting of oysters in the towns of Islip and Huntington, in the county of Suffolk,' passed March 31, 1866," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Couchman, from the committee on internal affairs, to which was referred the bill entitled "An act authorizing the election of a receiver of taxes and assessments for the town and village of Saratoga Springs," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Couchman, from the committee on internal affairs, to which was referred the Senate bill entitled "An act authorizing the election of a police justice in the town of Newton, Queens county, and prescribing his duties and compensation," reported adversely thereto, which report was agreed to.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the Shelter Island Grove and Camp-meeting Association of the Methodist Episcopal Church," reported in favor of the passage of the same, with amendments;



which report was agreed to, and said bill committed to the committee of the whole.

Mr. Smiley, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the commission appointed by chapter 868, Laws of 1871, reported in favor of the adoption of the following resolution :

*Resolved*, That there be printed for the use of the commission appointed by chapter 868, Laws of 1871, "An act to foster and develop the internal commerce of the State," etc., 2,500 copies of the report of said commission to the Legislature, and 500 copies for the use of the Legislature.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Smiley, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the commissioners appointed to inquire into and report a uniform system of assessment and taxation, reported in favor of the adoption of the following resolution :

*Resolved*, That there be printed, with paper covers, 1,000 copies of the report of the commissioners appointed to inquire into and report a uniform system of assessments and taxation for the use of the Governor, and 1,000 for the use of the Legislature.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Squires, from the committee on banks, to which was referred the Senate bill entitled "An act to incorporate the Safe Deposit and Trust Company of Auburn, New York," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Squires, from the committee on banks, to which was referred the bill entitled "An act to incorporate the Brooklyn City Safe Deposit Company," reported in favor of the passage of the same, with amendments; which report was agreed to and said bill committed to the committee of the whole.

Mr. Squires, from the committee on banks, to which was referred the bill entitled "An act to incorporate the Cayuga County Savings Bank," reported adversely thereto, which report was agreed to.

Mr. Squires, from the committee on banks, to which was referred the bill entitled "An act to incorporate the South Brooklyn Loan and Improvement Company," reported adversely thereto, which report was agreed to.

Mr. Squires, from the committee on banks, to which was recommitted the bill entitled "An act to incorporate the Rochester Savings Bank and Trust Company," reported in favor of the passage of the same with amendments, and with the title amended so as to read, "An act to amend an act entitled 'An act to incorporate the Rochester Savings Bank,' passed April 21, 1831," which report was agreed to, and said bill committed to the committee of the whole.

Mr. West, from the committee on trade and manufactures, to which was referred the bill entitled "An act to amend the act entitled 'An act to extend the operation and effect of the act passed February 17, 1848, entitled An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed April 15, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.



Mr. West, from the committee on trade and manufactures, to which was referred the bill entitled "An act regulating the sale of leaf tobacco in the State of New York," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. West, from the committee on trade and manufactures, to which was referred the Senate bill entitled "An act to authorize the Clifton Mining Company to succeed to the rights of the Clifton Iron Company," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. West, from the committee on trade and manufactures, to which was referred the Senate bill entitled "An act to authorize corporations to hold and convey real estate for business purposes in other states, with the consent thereof," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Sniper, from the committee on the militia, to which was referred the bill entitled "An act to amend an act entitled 'An act for the enrollment of the militia for the organization of the National Guard of the State of New York, and for the public defence, and entitled the Military Code,'" reported adversely thereto, which report was agreed to.

Mr. Yeomans, from the committee on agriculture, to which was referred the Senate bill entitled "An act authorizing the Cattaraugus County Agricultural Society to borrow money, to be used in improving its fair grounds," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Loughran, from the committee on public health, to which was referred the bill entitled "An act for the better education of the children employed in the factories and other industrial pursuits of this commonwealth," reported in favor of the passage of the same, with an amendment, and with the title amended so as to read, "An act to provide for the better education of minors employed in manufactories in this State," which report was agreed to, and said bill committed to the committee of the whole.

Mr. Loughran, from the committee on public health, to which was referred the bill entitled "An act to protect the people against quackery and crime," reported adversely thereto, which report was agreed to.

Mr. Brown dissented from said report.

Mr. Loughran, from the committee on public health, to which was referred the bill entitled "An act to prevent the sale of adulterated milk in the cities of New York and Brooklyn," reported adversely thereto, which report was agreed to.

Mr. Loughran, from the committee on public health, to which was referred the bill entitled "An act for the better preservation of the public health and to prevent the spread of contagious diseases," reported adversely thereto, which report was agreed to.

Mr. Knapp, from the committee on petitions of aliens, to which was referred the bill entitled "An act releasing the interest of the State in certain lands and premises of which Maurice Roche, late of Coxsackie in the county of Greene, died seized, and authorizing his heirs-at-laws to hold and convey the same," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Knapp, from the committee on petitions of aliens, to which was

referred the bill entitled "An act to enable Mary Conlan to take and hold real estate, and to release to her the interest and title in lands escheated to the State," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Knapp, from the committee on petitions of aliens, to which was referred the bill entitled "An act releasing the interest of the State of New York in certain lands of which Mary Ann Wilcox died possessed," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Knapp, from the committee on the petitions of aliens, to which was referred the bill entitled "An act to release the interest of the State in certain lands, of which Thomas Breen died siezed, to Margaret Breen, his widow," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Knapp, from the committee on petitions of aliens, to which was referred the bill entitled "An act to release to Mary McGarrity the right, title and interest of the people of the State of New York in and to certain real estate in the city of Brooklyn," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Knapp, from the committee on petitions of aliens, to which was referred the bill entitled "An act for the relief of the heirs of Daniel Early, deceased, late of the city of New York," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Knapp, from the committee on petitions of aliens, to which was referred the bill entitled "An act for the relief of George Buerckel and Magdalena Stell, aliens," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Shepardson, from the committee on civil divisions, to which was referred the bill entitled "An act to change the town lines of the towns of Duanesburgh and Princetown, in the county of Schenectady," reported adversely thereto, which report was agreed to.

Mr. Shepardson, from the committee on civil divisions, to which was referred the bill entitled "An act to change the boundary lines between the counties of Albany and Schenectady, and for the erection of a new town in said county of Schenectady," reported adversely thereto, which report was agreed to.

Mr. Shepardson, from the committee on civil divisions, to which was referred the remonstrance of citizens of Ossian, Livingston county, against a division of said town, returns the remonstrance for the reason that no such proposition is now before the House for its action.

Mr. Hyatt, from the committee on expenditures of the House, to which was referred the resolution relative to furnishing a map of the State of New York, to be hung in the Assembly chamber, in the words following: "*Resolved*, That a map of the State of New York be purchased by the Clerk at an expense not exceeding \$10, and hung in the rear of the Assembly chamber"; reported adversely thereto, which report was agreed to.

Mr. Hyatt, from the committee on the expenditures of the House, to which was referred the resolution relative to furnishing a copy of



Edmond's Revised Statutes and New York Statutes, reported in favor of the adoption of the following resolution:

*Resolved*, That the Clerk of the Assembly be required to furnish to the committee on local and special laws a set of Edmond's Revised Statutes and New York Statutes at large, latest edition.

On motion of Mr. Alvord said report was laid on the table.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to repeal chapter 572 of the Laws of 1871, relating to elections in the city of New York, passed April 19, 1871," reported adversely thereto, which report was agreed to.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to provide for a pure quality and just measure of gas in the city of New York," reported adversely thereto, which report was agreed to.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend and reduce to one act the several acts relating to buildings in the city of New York,' passed May 4, 1866, May 17, 1867, and May 6, 1868, passed April 20, 1871," reported adversely thereto, which report was agreed to.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the mayor, aldermen and commonalty of the city of New York to supply the citizens with gas," reported adversely thereto, which report was agreed to.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to provide for the holding of a charter election in the city and county of New York on the second Tuesday of April, in the year 1872," reported in favor of the passage of the same, which report was agreed to and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to provide in part for the government of the city of New York by certain removals from and appointments to office therein," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend title 12 of the charter of the city of Albany, entitled 'the police department,' passed March 16, 1870," reported in favor of the passage of the same with an amendment; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to grading, paving and improving of Seventh avenue, north of 110th street, in the city of New York," reported in favor of the passage of the same with an amendment; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to grading, paving and improving Sixth avenue, north of 110th street, in the city of New York," reported in favor of the passage of the same, with an amendment; which report was agreed to, and said bill committed to the committee of the whole.



Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend the act of incorporation of the East Side Association of the city of New York," reported the same to the House for consideration; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to define a portion of an act entitled 'An act to make provision for the local government of the city of New York, passed April 19, 1871,'" have amended the title so as to read as follows: "An act further defining the powers and authority of the board of audit created under chapter 9 of the Laws of 1872, passed January 30, 1872," have amended the same, and report it for the consideration of the House; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to supervisors of the county of New York, and to constitute a new board thereof," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend 'An act to incorporate the city of Ogdensburgh,' passed April 27, 1868," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act to incorporate the city of Ogdensburgh," passed April 27, 1868," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the city of Rome,' passed February 23, 1870," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to provide for supplying the city of Hudson with pure and wholesome water," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. G. P. Lord, from the committee on public education, to which was referred the bill entitled "An act to incorporate the Mazzarath Society, of Cortland village," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to revise, amend and consolidate the several acts in relation to the charter of the city of Hudson," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. G. P. Lord, from the committee on public education, to which was referred the bill entitled "An act to incorporate St. Canisius College, at Buffalo," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. G. P. Lord, from the committee on public education, to which was referred the Senate bill entitled "An act reappropriating a certain portion of the income of the United States Deposit Fund for the benefit of academies," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Morton, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the city of Brooklyn to borrow money and raise the same by tax to meet certain deficiencies and liabilities," have amended the title so as to read "An act to authorize the city of Brooklyn to borrow money and to levy and collect a tax for the repayment of the same to cover expenditures made by the authorities of said city during the year 1871, in violation of then existing laws, and to provide for certain extraordinary expenses in said city," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Morton, from the committee on the affairs of cities, to which was referred the bill entitled "An act for the relief of Thomas O'Brien," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Morton, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act to provide for the construction of a main and lateral drain or sewer in Navy street, Johnson street and Hudson avenue, and other streets and avenues in the city of Brooklyn, passed April 6, 1871," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Mr. Alvord called from the table the report of the committee on ways and means relative to the charges against Hon. James W. Husted, in the words following:

Report and testimony in the matter of the investigation into the charges against the Hon. James W. Husted, of the Assembly, of fraudulent practices in connection with the sale of gravel to the city of New York, and concerning his action as a member of the Legislature of 1870, connected therewith.

*To the Honorable the Assembly:*

The committee on ways and means, to whom was referred, for investigation, the charges against the Hon. James W. Husted, of the Assembly, wherein it is alleged that he has been guilty of fraudulent practices in connection with the sale of gravel to the city of New York, and that his action as a member of the Legislature of 1870, was controlled by a corrupt bargain at that time entered into by him in connection therewith, beg leave at this time to respectfully report:

That they entered upon the discharge of their duties, in the city of New York, where, or near where, all the witnesses reside, on Friday, the 23d day of February instant, and devoted two days to the investigation, giving all parties interested therein full opportunity to be heard, and to call and examine such witnesses as they might desire.

Upon a thorough, careful and searching examination into the facts of the case, your committee found that the statements heretofore made on the floor of this House on two separate occasions by the Hon. Mr. Husted, touching these charges, were fully and completely borne out by the testimony.

Messrs. Andrew H. Green, Stebbins and Hilton, commissioners of the



department of parks, Mr. Van Nort, late comptroller, and Mr. Barker, purchasing clerk thereof, were each examined at great length in all matters pertaining to the purchase of gravel for the parks and boulevards of New York.

We find that all gravel used upon the parks and boulevards in New York has always been bought in the open market, in as small quantities as their necessities would allow, and that under every administration of the public parks there has been unceasing efforts, on the part of the managers thereof, to find and purchase gravel of a suitable quality, at the lowest possible price; that in the case of Mr. Husted, who was in possession of a bed of gravel of a desirable and superior quality, he has from time to time received and filled orders for the same, at a price fixed by the commissioners, or agreed upon by the parties at the time of the sale and delivery of each parcel; that the transactions were in no regard in the nature of a pre-existing contract for the exclusive control for the delivery of gravel at a price fixed and unalterable by the terms of the contract, but were, in all respects, an ordinary and business operation, in which no collusion or corrupt practice or bargain had been entered into, between any of the city or park officials and Mr. Husted.

Mr. Ryder, the gentleman upon whose letter, published in the New York Times of the thirty-first of January last, and the comments of the press thereupon, Mr. Husted founded his demand for this investigation, testified positively to a want of any knowledge of any such fraudulent practices, or of any influence growing out of the business transaction of Mr. Husted with the commissioners of parks, that in any way affected his action as a legislator at any time.

Mr. Ryder was anxious and persistent in requiring of the committee an examination into the personal and private difficulties between himself and Mr. Husted; but the committee decided that personal and private grievances, and difficulties growing out of business transactions between individuals, were in no sense a part of the legitimate duty of the Legislature to investigate and examine.

Your committee therefore report that Mr. Husted stands entirely acquitted of any fraudulent practices in connection with the sale of gravel to the city of New York or the department of parks; and that his action as a member of the Legislature was not, in the opinion of your committee, from the evidence, in any manner in the slightest degree controlled or affected by any corrupt or other bargain connected therewith, at that or any other time entered into by him.

All of which is respectfully submitted.

By order of the committee.

T. G. ALVORD, *Chairman*.

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative.

The bill entitled "An act to authorize the construction of a bridge over the Chenango canal at the village of Solsville, in the county of Madison," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.



{ AYES 87 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Abbott        | Cook       | Holdridge  | Lynde   | Smyth           |
| Aitken        | Couchman   | Hollister  | Mackay  | Sniper          |
| Alvord        | Crandall   | Houghton   | Marcy   | Speaker         |
| D. L. Babcock | Davidson   | Hungerford | Morton  | Squires         |
| I. H. Babcock | Dunphy     | Husted     | Mosher  | Swain           |
| Badeau        | Eastman    | Jacobs     | Moulton | D. Tomkins      |
| Baltz         | Fort       | Judd       | Murdock | Twombly         |
| Beckwith      | Fowler     | Kennedy    | Oakley  | A. L. Van Dusen |
| Bemus         | Geib       | Kilian     | Pell    | W. J. Van Dusen |
| Bennett       | Green      | Kingsland  | Pierce  | Wells           |
| Berri         | Greenhalgh | Knapp      | Preston | West            |
| Blair         | Gregory    | Knettles   | Ray     | Whitbeck        |
| E. E. Brown   | Haight     | Lewis      | Rice    | White           |
| Buell         | Haughton   | Lincoln    | Roche   | Whitaker        |
| Burritt       | Hawkins    | Lippitt    | Rose    | Woodward        |
| Campbell      | Healy      | Lott       | Simson  | Woolsey         |
| Carroll       | Herrick    | Loughran   | Smith   | Yeomans         |
| Chamberlain   | A. Hill    |            |         |                 |

For the negative

Sage

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to incorporate the Fire Island Hotel and establish ferries across Fire Island or Great South Bay, in Suffolk county," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 76 }  
{ NOES 3 }

Those who voted in the affirmative, were

|               |             |           |          |                 |
|---------------|-------------|-----------|----------|-----------------|
| Abbott        | Carroll     | Holdridge | Loughran | Sniper          |
| Aitken        | Chamberlain | Hollister | Mackay   | Speaker         |
| Alvord        | Cook        | Houghton  | Marcy    | Swain           |
| D. L. Babcock | Couchman    | Husted    | Moore    | D. Tomkins      |
| I. H. Babcock | Crandall    | Jacobs    | Morton   | M. M. Tompkins  |
| Badeau        | Davidson    | Judd      | Moseley  | Tucker          |
| Baltz         | Eastman     | Kennedy   | Mosher   | Twombly         |
| Beckwith      | Fowler      | Kilian    | Moulton  | A. L. Van Dusen |
| Bemus         | Geib        | Kingsland | Murdock  | W. J. Van Dusen |
| Bennett       | Greenhalgh  | Knapp     | Osgood   | Wells           |
| Berri         | Haight      | Knettles  | Pell     | West            |
| Blair         | Hawkins     | Lewis     | Pierce   | Whitbeck        |
| E. E. Brown   | Healy       | Lincoln   | Preston  | Whitaker        |
| Buell         | Herrick     | Lippitt   | Rice     | Woolsey         |
| Burns         | A. Hill     | Lott      | Smyth    | Yeomans         |
| Campbell      |             |           |          |                 |

Those who voted in the negative, were

Gregory      Rose      Sage

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to provide for regulating, grading and graveling the White Plains road, commonly called North street, lying wholly

in the town of New Rochelle, and partly in the village of New Rochelle, in the county of Westchester," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |           |         |                 |
|---------------|-------------|-----------|---------|-----------------|
| Aitken        | Carroll     | Herrick   | Mackay  | Speaker         |
| Alberger      | Chamberlain | A. Hill   | Marcy   | Swain           |
| Alvord        | Cook        | Holdridge | Moore   | D. Tomkins      |
| D. L. Babcock | Crandall    | Hollister | Morton  | M. M. Tompkins  |
| I. H. Babcock | Davidson    | Houghton  | Moseley | Tucker          |
| Badeau        | Dunphy      | Husted    | Mosher  | Twombly         |
| Baltz         | Eastman     | Hyatt     | Moulton | A. L. Van Dusen |
| Bemus         | Fort        | Jacobs    | Murdock | W. J. Van Dusen |
| Bennett       | Fowler      | Kennedy   | Paige   | Wells           |
| Berri         | Geib        | Kilian    | Pell    | West            |
| Blair         | Greenhalgh  | Knettles  | Preston | Whitbeck        |
| I. D. Brown   | Gregory     | Lewis     | Ray     | Whitaker        |
| Buckley       | Haight      | Lincoln   | Roche   | Woodward        |
| Buell         | Haughton    | Lippitt   | Rose    | Woolsey         |
| Burns         | Hawkins     | Lott      | Smiley  | Yeomans         |
| Burritt       | Healy       | Loughran  | Smyth   |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to incorporate the Importers' and Grocers' Board of Trade of the city of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |           |         |                 |
|---------------|-------------|-----------|---------|-----------------|
| Abbott        | Burns       | Hawkins   | Moore   | Smyth           |
| Aitken        | Campbell    | Herrick   | Morton  | Sniper          |
| Alberger      | Carroll     | A. Hill   | Moseley | Speaker         |
| Alvord        | Chamberlain | Holdridge | Mosher  | Squires         |
| D. L. Babcock | Cook        | Houghton  | Moulton | D. Tomkins      |
| I. H. Babcock | Couchman    | Hyatt     | Murdock | M. M. Tompkins  |
| Badeau        | Crandall    | Kennedy   | Osgood  | Tucker          |
| Baltz         | Davidson    | Kilian    | Paige   | Twombly         |
| Beckwith      | Dunphy      | Kingsland | Pell    | A. L. Van Dusen |
| Bemus         | Eastman     | Knettles  | Pierce  | Wells           |
| Bennett       | Fort        | Lewis     | Preston | West            |
| Berri         | Fowler      | Lincoln   | Ray     | Whitbeck        |
| Blair         | Geib        | Lippitt   | Rice    | Whitaker        |
| E. E. Brown   | Greenhalgh  | Lott      | Roche   | Woodward        |
| I. D. Brown   | Gregory     | Loughran  | Rose    | Woolsey         |
| Buckley       | Haight      | Mackay    | Sage    | Yeomans         |
| Buell         | Haughton    | Marcy     | Simson  |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to incorporate the city of Kingston," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |           |         |                 |
|---------------|-------------|-----------|---------|-----------------|
| Abbott        | Burritt     | A. Hill   | Moore   | Smyth           |
| Aitken        | Carroll     | Holdridge | Morton  | Sniper          |
| Alberger      | Chamberlain | Hollister | Mosher  | Speaker         |
| Alvord        | Couchman    | Houghton  | Moulton | Squires         |
| D. L. Babcock | Crandall    | Husted    | Murdock | Swain           |
| Badeau        | Davidson    | Jacobs    | Osgood  | Tucker          |
| Baltz         | Eastman     | Kennedy   | Paige   | Twombly         |
| Beckwith      | Fort        | Kilian    | Pell    | A. L. Van Dusen |
| Bemus         | Fowler      | Kingsland | Pierce  | Wells           |
| Bennett       | Geib        | Knettles  | Preston | West            |
| Berri         | Greenhalgh  | Lewis     | Ray     | Whitbeck        |
| Blair         | Gregory     | Lincoln   | Rice    | White           |
| E. E. Brown   | Haight      | Lippitt   | Roche   | Whitaker        |
| I. D. Brown   | Haughton    | Lott      | Rose    | Woodward        |
| Buell         | Hawkins     | Loughran  | Simson  | Woolsey         |
| Burns         | Healy       | Mackay    | Smith   | Yeomans         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to incorporate the Citizens' Plate Glass Insurance Company," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Abbott        | Burritt     | Herrick    | Mackay  | Smyth           |
| Aitken        | Campbell    | A. Hill    | Marcy   | Sniper          |
| Alberger      | Chamberlain | Holdridge  | Morton  | Speaker         |
| Alvord        | Couchman    | Hollister  | Moseley | Squires         |
| D. L. Babcock | Crandall    | Houghton   | Mosher  | Swain           |
| I. H. Babcock | Davidson    | Hungerford | Moulton | D. Tomkins      |
| Badeau        | Dunphy      | Husted     | Murdock | Tucker          |
| Baltz         | Dykeman     | Hyatt      | Osgood  | Twombly         |
| Beckwith      | Fort        | Kennedy    | Pell    | A. L. Van Dusen |
| Bennett       | Fowler      | Kilian     | Pierce  | Wells           |
| Berri         | Geib        | Kingsland  | Preston | West            |
| Blair         | Green       | Knettles   | Ray     | White           |
| E. E. Brown   | Greenhalgh  | Lewis      | Rice    | Whitaker        |
| I. D. Brown   | Gregory     | Lincoln    | Rose    | Woodward        |
| Buell         | Haughton    | Lippitt    | Simson  | Woolsey         |
| Burns         | Hawkins     | G. P. Lord | Smith   | Yeomans         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend the charter of the city of Albany, passed March 16, 1870, and the several acts amendatory thereof," was read a third time.



Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 17 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Davidson   | Hyatt      | Murdock    | Swain           |
| Alberger      | Eastman    | Kennedy    | Osgood     | D. Tomkins      |
| Alvord        | Fort       | Kilian     | Pell       | M. M. Tompkins  |
| D. L. Babcock | Fowler     | Kingsland  | Pierce     | Tucker          |
| I. H. Babcock | Geib       | Knettles   | Preston    | Twombly         |
| Badeau        | Green      | Lewis      | Rice       | A. L. Van Dusen |
| Baltz         | Greenhalgh | Lincoln    | Rose       | W. J. Van Dusen |
| Beckwith      | Gregory    | Lippitt    | Sage       | Wells           |
| Bemus         | Haight     | G. P. Lord | Shepardson | West            |
| Bennett       | Hawkins    | Lott       | Simson     | Whitbeck        |
| Berri         | Herrick    | Loughran   | Smith      | White           |
| E. E. Brown   | Holdridge  | Mackay     | Smyth      | Whitaker        |
| I. D. Brown   | Hollister  | Marcy      | Sniper     | Woodward        |
| Burns         | Houghton   | Moore      | Speaker    | Woolsey         |
| Burritt       | Hungerford | Morton     | Squires    | Yeomans         |
| Crandall      | Husted     | Moulton    |            |                 |

Those who voted in the negative, were

|         |             |          |         |       |
|---------|-------------|----------|---------|-------|
| Aitken  | Campbell    | Haughton | Jacobs  | Paige |
| Blair   | Chamberlain | Healy    | Moseley | Ray   |
| Buckley | Cook        | A. Hill  | Mosher  | Roche |
| Buell   | Couchman    |          |         |       |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Husted moved to take from the table the motion to reconsider the vote on the Senate bill entitled "An act for the relief of Cornelia Townsend."

Mr. Speaker put the question whether the House would agree to said motion to take from the table, and it was determined in the affirmative.

Mr. Husted then moved to reconsider the vote by which said bill was lost."

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 2 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Abbott        | Chambers   | Hollister  | Moore   | Sniper          |
| Alberger      | Cook       | Houghton   | Morton  | Speaker         |
| Alvord        | Couchman   | Hungerford | Mosher  | Squires         |
| D. L. Babcock | Crandall   | Husted     | Moulton | Swain           |
| I. H. Babcock | Eastman    | Hyatt      | Murdock | D. Tomkins      |
| Badeau        | Fort       | Kennedy    | Osgood  | Tucker          |
| Beckwith      | Fowler     | Kilian     | Paige   | Twombly         |
| Bemus         | Goss       | Kingsland  | Pell    | A. L. Van Dusen |
| Bennett       | Greenhalgh | Knettles   | Pierce  | W. J. Van Dusen |
| Berri         | Gregory    | Lewis      | Preston | Wells           |

|             |           |            |            |          |
|-------------|-----------|------------|------------|----------|
| E. E. Brown | Haight    | Lincoln    | Ray        | West     |
| I. D. Brown | Haughton  | Lippitt    | Rose       | Whitbeck |
| Buckley     | Hawkins   | G. P. Lord | Sage       | White    |
| Buell       | Healy     | Lott       | Shepardson | Whitaker |
| Burns       | Herrick   | Loughran   | Simson     | Woodward |
| Burritt     | A. Hill   | Mackay     | Smith      | Woolsey  |
| Campbell    | Holdridge | Marcy      | Smyth      | Yeomans  |
| Carroll     |           |            |            |          |

Those who voted in the negative, were

Moseley      Roche

Said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 5 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Chambers   | Husted     | Mosher     | Speaker         |
| Alberger      | Cook       | Hyatt      | Moulton    | Squires         |
| Alvord        | Crandall   | Kennedy    | Murdock    | Swain           |
| D. L. Babcock | Fort       | Kilian     | Osgood     | D. Tomkins      |
| I. H. Babcock | Fowler     | Kingsland  | Pell       | M. M. Tompkins  |
| Badeau        | Goring     | Knettles   | Pierce     | Tucker          |
| Beckwith      | Goss       | Lewis      | Preston    | Twombly         |
| Bemus         | Greenhalgh | Lincoln    | Ray        | A. L. Van Dusen |
| Bennett       | Gregory    | Lippitt    | Rice       | W. J. Van Dusen |
| Berri         | Haight     | G. P. Lord | Rose       | Wells           |
| E. E. Brown   | Hawkins    | Lott       | Sage       | West            |
| I. D. Brown   | Herrick    | Loughran   | Shepardson | Whitbeck        |
| Buckley       | A. Hill    | Mackay     | Simson     | White           |
| Buell         | Holdridge  | Marcy      | Smith      | Whitaker        |
| Burns         | Hollister  | Moore      | Smyth      | Woolsey         |
| Burritt       | Houghton   | Morton     | Sniper     | Yeomans         |

Those who voted in the negative, were

Carroll      Chamberlain      Couchman      Moseley      Roche

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Husted, from the committee on local and special laws, to which was referred the bill entitled "An act to incorporate the Protection Hose Association of the village of Plattsburgh, New York," reported in favor of rejecting the bill, for the reason that the objects desired can be attained under the provisions of chapter 319 of the Laws of 1848.

Pending the consideration of said report,

On motion of Mr. Alvord, at 2 o'clock, the House adjourned.

## SATURDAY, MARCH 9, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. W. Gwynne.

The reading of the journal of yesterday being commenced,

On motion of Mr. Woolsey, its further reading was dispensed with.

The Senate returned the Senate bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to incorporate the village of Port Byron,' passed May 12, 1869," with a message informing of concurrence in the amendments of the Assembly thereto.

*Ordered*, That the Clerk return said bill to the Senate.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act to amend an act entitled 'An act to supply the village of Middletown with water for public and private purposes,' passed April 3, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act for the protection of tax-payers against the frauds, embezzlements and wrongful acts of public officers and agents," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A message from the Senate was received and read, informing of concurrence in the passage of the following entitled bill:

"An act to enable the Shepherd's Fold of the Protestant Episcopal Church in the State of New York to take by grant and hold real estate to the amount of one hundred thousand dollars in value."

*Ordered*, That the Clerk deliver said bill to the Governor.

A message from the Senate was received and read, informing of non-concurrence in the passage of the bill entitled as follows:

"An act to authorize the trustees of Unadilla Academy to sell and convey the property of that corporation, and to dispose of the proceeds of sale."

On motion of Mr. A. Hill, and by unanimous consent,

*Resolved*, That Hon. D. C. Howell, Superintendent of the Bank Department, be respectfully required to report to this House, as soon as possible, and make particular statement of the expenses of his department for which the banks are assessed, and also make particular statement of the amount collected from each bank.

Mr. Speaker presented a communication from the Auditor of the Canal Department, in response to a resolution of the Assembly adopted March 20; which was laid on the table and ordered printed.

(See Doc. No. 90.)

Mr. Speaker presented a communication from the Union Pacific Railroad in the words following:

BOSTON, *March 6*, 1872.

*Hon. HENRY SMITH, Speaker of the Assembly, State of New York:*

DEAR SIR.—In compliance with the instructions of the board of directors of the Union Pacific Railroad Company, I transmit herewith a



copy of resolutions of said board, passed at a meeting of the board held this day.

I am your obedient servant,

E. H. ROLLINS, *Secretary.*

On motion of Mr. Alvord, said resolutions were referred to the committee on the judiciary.

Mr. Speaker presented a communication from the Chamber of Commerce of the State of New York, in the words following:

NEW YORK, *March 8, 1872.*

*Hon. HENRY SMITH, Speaker House of Assembly, Albany, New York:*

SIR.—I have the honor to inclose herewith a memorial of the Chamber of Commerce in regard to exempting bonds and mortgages on real estate from taxation by the State of New York, and request you to lay the same before the House of Assembly.

Very respectfully, your obedient servant,

GEORGE WILSON, *Secretary.*

The memorial was referred to the committee on ways and means.

Messrs. Holdridge, Woolsey, A. Hill and Preston presented eight remonstrances against legislative interference with the management of the Erie Railway Company; which were read and committed to the committee of the whole.

Mr. Bennett presented a petition of Sarah Groom for release to her of interest of the people of the State of New York in real estate in Brooklyn; which was read and referred to the committee on the petitions of aliens:

Also, a petition for reduced rates of ferriage between Brooklyn, E. D., and the city of New York; which was laid on the table.

Mr. E. E. Brown presented a petition of citizens of Fleming, Cayuga county, asking the repeal of an act passed April 19, 1871, making Peter C. Wickoff a justice of the peace; which was read and referred to the committee on the judiciary.

Mr. A. L. Van Dusen presented a petition of supervisors of Ontario county, for amending an act amending chapter 194, Laws of 1849, vesting in the board of supervisors certain legislative powers, and to prescribe their fees for certain services; which was read and referred to the committee on internal affairs.

Mr. Lincoln presented a petition of tax-payers of Canandaigua, for a new highway from Phoenix street to Beeman street, parallel to Main street; which was read and referred to the committee on the affairs of villages.

Mr. Alvord presented a memorial of stockholders of Erie Railway Company for repeal of classification act; which was read and committed to the committee of the whole.

The order of business of third reading of bills being announced,

On motion of Mr. Alvord the same was laid on the table.

Mr. D. L. Babcock introduced a bill entitled "An act to amend an act entitled 'An act to provide for the payment of the crier and attendants of the court of appeals,' passed March 31, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Also, a bill entitled "An act authorizing the city of Albany to close a part of Quackenbush street, and to permit the erection of bridges over

certain streets in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Springsted introduced a bill entitled "An act to legalize the official acts and proceedings of John R. Williams, a justice of the peace of the town of Knox, in the county of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Speaker introduced a bill entitled "An act to amend an act entitled 'An act in relation to wills,' passed April 23, 1864," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Alvord, and by unanimous consent, said bill was committed to the committee of the whole.

By unanimous consent,

Mr. Whitaker, from the committee on petitions of aliens, to which was referred the Senate bill entitled "An act to release the interest of the people of the State of New York in certain lands to Charles O. Jones," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Whitaker, from the committee on petitions of aliens, to which was referred the Senate bill entitled "An act to release and convey the interest of the people of the State of New York in certain real estate in the city of Utica, of which Owen J. Owens died possessed, to Owen Griffiths, his nephew," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Whitaker, from the committee on petitions of aliens, to which was referred the petition of Timothy Baldwin, Jr., praying for release of interest of State in certain lands formerly owned by Michael Dunn, an alien, reported by bill entitled "An act to enable Timothy Baldwin, Jr., to take and hold real estate and to release to him the interest and title to lands escheated to this State," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. I. D. Brown introduced a bill entitled "An act to amend an act entitled 'An act to revise and consolidate the general acts relative to public instruction, as amended by subsequent statutes,' passed May 2, 1864," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

Mr. E. E. Brown introduced a bill entitled "An act to repeal chapter 598, of the Laws of 1871, being an act entitled 'An act to confirm the official acts of Peter C. Wyckoff, a justice of the peace in the town of Fleming in the county of Cayuga, passed April 19, 1871,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Shepardson introduced a bill entitled "An act to legalize and confirm the official acts of William H. Ireland, a justice of the peace of the town of Coventry in the county of Chenango," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. M. M. Tompkins introduced a bill entitled "An act to extend the operation and effect of the act passed April 10, 1855, entitled 'An act in relation to courts of special sessions in, and to regulate the police of the

county of Rensselaer,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. White introduced a bill entitled "An act to amend an act entitled 'An act in relation to sewerage and drainage in the city of Brooklyn,' passed April 15, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to incorporate Saint Catharine's Hall," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Morton introduced a bill entitled "An act for the improvement of Myrtle avenue, in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Bennett introduced a bill entitled "An act to release the title and interest of the people of the State of New York in and to certain real estate in the city of Brooklyn, to Sarah Groom," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the petitions of aliens.

Also, a bill entitled "An act to authorize and require the New York and Harlem Railroad Company to extend their tracks through certain streets of the city of New York, for the use of their small cars only," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Moseley introduced a bill entitled "An act to authorize the common council of the city of Brooklyn to open, grade, pave and complete Douglass street, in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to authorize the common council of the city of Brooklyn to open, grade, pave and complete certain streets in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to incorporate the Singing Society Concordia Gesang Verein, of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Kennedy introduced a bill entitled "An act in relation to the service of notices by publication," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Goss introduced a bill entitled "An act to amend an act entitled 'An act relating to military exemptions,' passed April 1, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the militia.

Mr. W. J. Van Dusen introduced a bill entitled "An act to authorize the county clerk of Montgomery county to sign the certificates of record of deeds and mortgages and other records, or of filing of papers recorded or filed in Montgomery county clerk's office, which were not signed by the former clerk of said county of Montgomery," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.



Also, a bill entitled "An act to legalize the election of trustees and other corporation officers of the village of Fonda," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the affairs of villages.

Mr. Sniper introduced a bill entitled "An act to authorize the common council of the city of Syracuse to raise money for the purchase of a steam fire-engine and apparatus, and erect a building for the use of the same," which was read the first time, and by unanimous consent, was also read the second time, and referred to the committee on the affairs of cities.

Mr. Haughton introduced a bill entitled "An act to provide for the appointment of an additional number of notaries public in the city of New York and the several Assembly districts of this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Cook introduced a bill entitled "An act to incorporate the Metropolitan Contracting Company of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Judd introduced a bill entitled "An act relating to the collection and deposit of moneys raised by taxation in Richmond county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act to amend an act entitled 'An act to incorporate the New Brighton Fire-engine Company No. 4,' passed April 19, 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Also, a bill entitled "An act to amend an act entitled 'An act to authorize the drainage of marsh lands,' passed June 9, 1868, and the acts amendatory thereof, passed April 22, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act to incorporate the North Side Savings Bank," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Mr. Twombly introduced a bill entitled "An act to incorporate the New York Coal Exchange, and to confer certain powers upon it," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trade and manufactures.

Also, a bill entitled "An act to authorize the formation of corporations," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. I. H. Babcock introduced a bill entitled "An act to provide for the repairs of the north bank of the Erie canal in Tonawanda creek in the town of Pendleton, and for protection of the highway along said canal from injury by being washed by the waters thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Also, a bill entitled "An act to amend an act entitled 'An act for the incorporation of cities and villages, passed December 7, 1847, so far as the same relates to the village of North Tonawanda, Niagara county,' passed April 17, 1871," which was read the first time, and by unanimous

consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Alvord introduced a bill entitled "An act to provide for laying out and opening a public road or highway in the town of Geddes, Onondaga county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Also, a bill entitled "An act to authorize the adjustment and trial of a system of gates on a lock on the Erie canal, whereby its navigation by steam will be greatly promoted," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Also, a bill entitled "An act to authorize the common council of the city of Syracuse to acquire certain lands for a public park," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to amend an act entitled 'An act to regulate the liabilities of hotel keepers,' passed April 13, 1855," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. A. L. Van Dusen introduced a bill entitled "An act to amend an act entitled 'An act to amend chapter 194 of the Laws of 1849, entitled An act to vest in the boards of supervisors certain legislative powers, and to prescribe their fees for certain services,' passed April 3, 1849, passed February 2, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Fort introduced a bill entitled "An act to authorize the adjustment to and trial of a system of gates on a lock on the Erie canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Chamberlain introduced a bill entitled "An act to prevent the destruction of life by the improper use of gas," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trade and manufactures.

Mr. Herrick introduced a bill entitled "An act to provide for the building of a bridge over the Boston and Albany railroad in the town of East Greenbush, Rensselaer county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Also, a bill entitled "An act to incorporate the West Sand Lake Stock Association of Ferguson's Cornet Band of the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on militia.

Also, a bill entitled "An act to incorporate the West Sandlake Musical Association, in the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Snyder introduced a bill entitled "An act to authorize attorneys-at-law to perform some of the duties of notaries public," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Lansingburgh,'



passed April 16, 1864," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. D. Tomkins introduced a bill entitled "An act to incorporate the Ramapo Hunting and Villa Park Association, in the county of Rockland," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Moore introduced a bill entitled "An act to incorporate the Oswegatchie Bridge Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Houghton introduced a bill entitled "An act in relation to a board of health for the town and village of Saratoga Springs, Saratoga county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Also, a bill entitled "An act to incorporate the Saratoga Safe Deposit and Trust Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Also, a bill entitled "An act to repeal so much of the act entitled 'An act to amend an act entitled An act to provide for laying out and improving roads and avenues in the village and town of Saratoga Springs, passed April 21, 1871,' as relates to the widening of Matilda street in said village," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Gregory introduced a bill entitled "An act to incorporate the Fire Department of the village of Watkins," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Woolsey introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the New Paltz Savings Bank,' passed March 22, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Also, a bill entitled "An act to repeal chapter 776 of the Laws of 1868, entitled 'An act to vest certain real estate belonging to the State in the town of Marlborough, Ulster county, and to establish a public highway,' passed May 9, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Husted introduced a bill entitled "An act in relation to private asylums for the insane," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State charitable institutions.

Also, a bill entitled "An act to amend an act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies, passed June 27, 1853," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

Also, a bill entitled "An act to abolish capital punishment and to provide for the more effectual punishment of the crime of murder," which



was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Lincoln introduced a bill entitled "An act to authorize the laying out, opening and working of a public highway in the village of Canandaigua, Ontario county, and raising money to defray the expenses of working said highway," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Also, a bill entitled "An act to amend an act entitled 'An act concerning the salt springs and manufacture of salt,' passed April 15, 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the manufacture of salt.

Mr. Buel introduced a bill entitled "An act to extend the operation and effect of the act passed February 17, 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical and chemical purposes,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on local and special laws.

Mr. W. J. Van Dusen introduced a bill entitled "An act to amend an act entitled 'An act to revise and consolidate the laws in relation to Amsterdam village, in Montgomery county,' passed April 17, 1854, and subsequent acts amendatory thereof, and to extend the boundary of said village," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent,

Mr. Husted, from the committee on local and special laws, reported by bill entitled "An act to amend chapter 781 of the Laws of 1868, entitled 'An act to amend the act entitled An act to extend the operation and effect of the act passed February 17, 1848, entitled An act to authorize the formation of corporations for manufacturing, mining, mechanical, or chemical purposes,' passed April 23, 1864, passed May 9, 1868," which bill thereupon was read the first and second time.

On motion of Mr. Husted, and by unanimous consent, said bill was ordered engrossed for a third reading.

On motion of Mr. Roche,

*Resolved*, That when this House adjourn this day it be until Monday evening, 11th instant, at 7½ o'clock P. M.

On motion of Mr. I. H. Babcock,

*Resolved*, That the committee on State prisons be and it is hereby required to make inquiry, without delay, of the chaplains of the different prisons of this State whether they have complied with the statute during the two years past by furnishing "at the expense of the State a bible and hymn-book to each convict," and also to inquire of the State Treasurer whether the amounts appropriated by the Legislature for the purpose above named have been drawn from the State treasury, and to whom the said amounts were paid, and to report to this House without unnecessary delay.

On motion of Mr. Moulton,

*Resolved*, That the Superintendent of the Bank Department be and he is hereby required to defer action upon the resolution of Mr. Jacobs, of the 15th of January last, until the further order of this House.

Mr. Snyder offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the assistant door-keepers, appointed and on duty, whose term will expire on the 10th day of March, be and are hereby retained until the close of the session.

Said resolution giving rise to debate,

*Ordered*, That the same be laid on the table.

Mr. Hawkins offered for the consideration of the House a resolution, in the words following, to wit :

*Whereas*, It has become a matter of public notoriety, founded upon repeated newspaper reports, which have not been contradicted, and it is generally believed that grave abuses of power and frauds of various kinds have been perpetrated by charter and county officers in the city and county of New York, greatly to the detriment of the public service, in the department of public works, the tax commissioners' office, the surrogate's office, and in the opening, extension, widening and paving of streets, and especially where streets have been paved with wood pavements ; and

*Whereas*, It is believed that the same allegations of abuse of power and fraudulent practices can be sustained in relation to some of the transactions of the present water commissioners in the city of Brooklyn ; it is now, therefore,

*Resolved*, That the committee on the affairs of cities, or a sub-committee thereof, is hereby authorized to proceed to the said cities of New York and Brooklyn for the purpose of investigating and making inquiry as to the origin, perpetration and extent of said abuses and frauds, with full power to send for all persons, books and papers which may be deemed necessary for a complete exposition of the subjects mentioned ; and said committee may employ George E. Miles, a stenographer, to record their proceedings, at an expense not exceeding twenty-five dollars per day, for a term not longer than fifteen days ; and further, that the clerk and messenger are authorized to accompany said committee.

Said resolution giving rise to debate,

*Ordered*, That the same be laid on the table.

On motion of Mr. D. L. Babcock, and by unanimous consent,

*Resolved*, That Assembly bill No. 256, general order No. 284, entitled "An act to amend chapter 77, of the Laws of 1870, and chapter 536, of the Laws of 1871, passed respectively, March 16, 1870, and April 15, 1871, entitled, 'An act to amend the act to combine into one act the several acts relating to the city of Albany, passed April 12, 1842, and the several acts amendatory thereof, in so far as they relate to the city of Albany,' " be referred to the first committee of the whole, not full.

On motion of Mr. D. L. Babcock, and by unanimous consent,

*Resolved*, That Senate bill No. 128, entitled "An act to authorize the surrogate of Albany county to issue letters of administration of the personal estate which was of Charles D. Mills, deceased, to his widow, Elizabeth P. Mills," be considered in the next committee of the whole, not full.

Mr. Alvord offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the President and Treasurer of the New York Central and Hudson River Railroad Company be required within ten days from the passage of this resolution to report, under oath, to this body, the sums



or amounts actually levied on and paid into the treasuries of the different companies by the several stockholders thereof of the companies now represented by said company; the amount actually expended on the property of such companies from the amounts so received; the amount, if any, which has been actually levied on and paid into the treasury of said company by its stockholders since its organization; the amount and per cent of annual dividends paid the stockholders of such companies, and said company, since the roads they represent or represented were put in operation; the amount of surplus earnings of such companies or said company, severally, which have been placed to their construction account, and become a part of their indebtedness, either paid or unpaid; the difference between the amount actually levied on and paid by the several stock and bondholders of such companies, and said company, into their respective treasuries, and the amount of stock, bonds and scrip now outstanding against said company, and on which interest or dividends have been paid, with the different dates and reasons for increasing the capital stock, and bonded indebtedness of such companies, and said company, beyond the amount so actually levied on and paid by said stockholders, and expended by said companies on their respective property for the public welfare.

Said resolution giving rise to debate,

*Ordered*, That the same be laid on the table.

On motion of Mr. Woolsey, and by unanimous consent,

*Resolved*, That Assembly bill No. 174, general order No. 193, entitled "An act to amend an act entitled 'An act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes,' passed April 20, 1866," be considered in the first committee of the whole, not full.

Mr. Mackay offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the president and treasurer of the New York Central and Hudson River Railroad Company be required, under oath, within ten days from the passage of this resolution, to report to this body the number of palace and drawing-room cars run over the road of said company, the number of passengers occupying seats in such cars during the year ending December 31st, 1871, the total amount received from such passengers, the names of the individuals or company owning such cars, the amount levied on and actually paid by such individuals or company for the construction of such cars, the number built out of the surplus earning of such cars, the amount of dividends derived for the use of such cars, and the amount received by said railroad company for the use of its road in drawing such cars, and also whether any officer or director of the New York Central and Hudson River Railroad Company has any personal interest in such cars, and if so what amount he has actually paid for the construction or equipment of such cars and the amount he has received for the sum so expended.

Said resolution giving rise to debate,

*Ordered*, That the same be laid on the table.

Mr. Pierce offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the Clerk be authorized to furnish twenty-five diagrams of the Assembly chamber for each member, officer and reporter of the House, providing the same can be procured at a cost of not more than ten cents per copy.



*Ordered*, That said resolution be referred to the committee on the expenditures of the House.

Mr. Fort called for the consideration of the resolution heretofore offered by him, in the words following, to wit:

*Resolved*, That the judiciary committee be instructed to report a bill for the consideration of this House, repealing the act exempting the members of the National Guard from a certain amount of taxation; and that the State shall pay a proper compensation for service actually rendered to the State by such persons by reason of being members of such organization.

On motion of Mr. Fort, and by unanimous consent, said resolution was amended by striking out the words "judiciary committee," and inserting the words "committee on militia."

Mr. Speaker put the question whether the House would agree to said resolution, as amended, and it was determined in the affirmative.

By unanimous consent, Mr. Buel introduced a bill entitled "An act to regulate the rate of charges for carrying passengers on the Gloversville and Northville railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

The House then resolved itself into a committee of the whole on the bill entitled as follows:

"An act to amend chapter 77 of the Laws of 1870, and chapter 536 of the Laws of 1871, passed respectively, March 16, 1870, and April 15, 1871, entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany,' passed April 12, 1842, and the several acts amendatory thereof, in so far as they relate to the city of Albany."

Senate, "An act to authorize the surrogate of Albany county to issue letters of administration of the personal estate which was of Charles D. Mills, deceased, to his widow Elizabeth P. Mills."

"An act to amend an act entitled 'An act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes,' passed April 20, 1866."

And after some time spent therein Mr. Speaker resumed the chair, and Mr. Shepardson, from said committee, reported progress on said first mentioned bill, and asked leave to sit again.

The question being upon granting leave,

On motion of Mr. Fort, the committee of the whole was discharged from the further consideration of said bill, and the same ordered engrossed for a third reading.

Mr. Shepardson, from said committee, also reported in favor of the passage of said second mentioned bill; which report was agreed to, and said bill ordered to a third reading.

Mr. Shepardson, from said committee, also reported in favor of the passage of said third mentioned bill, with amendments; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Herrick moved that the House now adjourn.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to incorporate the Troy, Lansingburgh and Cohoes Bridge

Company, for the purpose of constructing and maintaining a bridge, appurtenances and approaches to the same, over the Hudson river from some point on Van Schaick's Island, in the city of Cohoes to some point in the village of Lansingburgh, south of Bolton's brewery, on said river."

Senate, "An act to amend an act entitled 'An act incorporating the Goshen Savings Bank,' passed April 11, 1871."

"An act in relation to the manufacture, quality and inspection of gas."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Knettles, from said committee, reported progress on said first mentioned bill, and asked leave to sit again.

The question being upon granting leave,

On motion of Mr. Alvord, the committee of the whole was discharged from the further consideration of said bill, and the same was ordered engrossed for a third reading.

Mr. Knettles, from said committee, also reported progress on said second mentioned bill, and asked and obtained leave to sit again.

Mr. Knettles, from said committee, also reported in favor of the passage of said last mentioned bill, with amendments; which report was agreed to, and said bill ordered engrossed for a third reading.

On motion of Mr. Squires, at 2 o'clock and 25 minutes, the House adjourned.

## MONDAY, MARCH 11, 1872—7.30 P. M.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Reese.

The journal of Saturday was read and approved.

The Senate sent for concurrence a bill entitled "An act to restrict the power of the city of Brooklyn to issue bonds or loan its credit for local improvements," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Leave of absence was granted to Messrs. G. D. Lord and Hollister indefinitely on account of sickness.

The Senate returned the following entitled bills, with a message that they had passed the same:

"An act for the division of the town of Huntington, in the county of Suffolk, and the erection of a new town from the southern part of said town, and for the apportionment of the town property and town debts."

"An act to extend the operation and effect of the act passed February 17, 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' and entitled, as the title of said act was amended by an act passed April 28, 1866, 'An act to authorize the formation of corporations for manufacturing, mining, mechanical, chemical, agricultural, horticultural, medical or curative, mercantile or commercial purposes.'"

"An act to authorize the city of Buffalo to raise money to extend the supply of water to the city and its inhabitants, and for that purpose to issue its bonds."



"An act to amend an act entitled 'An act to incorporate the Port Chester Savings Bank,' passed March 14, 1865."

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Speaker presented a communication from the board of health of New York city, in response to a resolution of the House; which was laid on the table and ordered printed.

(*See Doc. No. 91.*)

Also, a report of the board of managers of the Buffalo State Asylum for the Insane; which was laid on the table and ordered printed.

(*See Doc. No. 88.*)

Also, a communication from the Canal Board relative to canal management; which was laid on the table and ordered printed.

(*See Doc. No. 92.*)

In connection with the foregoing communication, Mr. Husted offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the accompanying communication from the Canal Board concerning expenditures for canal purposes (and suggesting the expediency of inaugurating some improvement in the system of canal management and finances), and calling for a searching investigation into the past and present system, be referred to the committee on ways and means for investigation and report, with power to send for persons and papers.

On motion of Mr. Husted said resolution was laid on the table and ordered printed in connection with the communication referred to.

Messrs. Preston, Knottles, Holdridge, Murdock and Vedder presented eighteen remonstrances from various parts of the State, against legislative interference with the management of the Erie Railway Company; which were committed to the committee of the whole.

Mr. Kingsland presented a petition of B. Rathbun and others, in favor of the repeal of the Erie classification act; which was committed to the committee of the whole.

Mr. Hart presented a petition from Albion, Orleans county, asking for an appropriation to pay for vertical wall on the Erie canal near Albion; which was read and referred to the committee on canals.

Mr. West presented a remonstrance of L. B. Pike and 50 others, against widening East Congress street, Saratoga Springs; which was read and referred to the committee on the affairs of villages.

Mr. Foley presented a petition in favor of the Beach Pneumatic Underground railway; which was read and referred to the committee on railroads.

Mr. Jacobs presented a petition of the Brooklyn Homœopathic Lying-in-Asylum, for aid; which was read and referred to the committee on ways and means.

Messrs. Enos and Holdridge presented several petitions in favor of local prohibition in towns and counties where a majority of the voters are opposed thereto; which were committed to the committee of the whole.

Mr. A. Hill presented a petition of Burton Tompkins and 121 others, in relation to military exemptions; which was read and referred to the committee on the militia.

Mr. A. L. Van Dusen, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend chapter 781 of the Laws of 1868, entitled 'An act to



amend the act entitled An act to extend the operation and effect of the act passed February 16, 1848, entitled An act to authorize the formation of corporations for manufacturing, mining, mechanical and chemical purposes,' passed April 23, 1864, passed May 9, 1868."

"An act to amend chapter 77 of the Laws of 1870, and chapter 536 of the Laws of 1871, passed respectively, March 16, 1870, and April 15, 1871, entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany,' passed April 12, 1842, and the several acts amendatory thereof, in so far as they relate to the city of Albany."

"An act to amend an act entitled 'An act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes,' passed April 20, 1866."

"An act to incorporate the Troy, Lansingburgh and Cohoes Bridge Company, for the purpose of constructing and maintaining a bridge, appurtenances and approaches to the same, over the Hudson river from some point on Van Schaick's Island, in the city of Cohoes to some point in the village of Lansingburgh, south of Bolton's brewery, on said river."

"An act in relation to the manufacture, quality and inspection of gas."

The order of business third reading of bills having been reached, on motion of Mr. Alvord, it was laid on the table.

Mr. Smiley, from the committee on public printing, to which was referred the resolution to print extra copies of the financial report of the Auditor of the Canal Department, reported in favor of the adoption of the following resolution:

*Resolved*, That 500 extra copies of the financial report of the Auditor of the Canal Department be printed for the use of the Auditor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Smiley, from the committee on public printing, to which was referred the bill entitled "An act to repeal an act entitled 'An act in relation to the publication of the laws of this State,' passed March 27, 1871," reported adversely thereto.

Mr. Rose moved to disagree with said report, and that said bill be committed to the committee of the whole.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Fort moved to lay the motion on the table.

Mr. Speaker put the question whether the House would agree to said motion.

No quorum voting.

Mr. Speaker directed a call of the roll, when the following members responded.

|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| Alvord      | Goss        | Kingsland  | Pierce     | Squires         |
| Badeau      | Gregory     | Knettles   | Preston    | Swain           |
| Beckwith    | Haughton    | Lewis      | Ray        | Tobey           |
| Bennett     | Hawkins     | Lincoln    | Rice       | D. Tomkins      |
| E. E. Brown | A. L. Hayes | G. P. Lord | Roche      | M. M. Tompkins  |
| I. D. Brown | Healy       | Lott       | Rose       | A. L. Van Dusen |
| Burritt     | Herrick     | Loughran   | Sage       | Vedder          |
| Chamberlain | A. Hill     | Lynde      | Shepardson | Wells           |
| Cook        | Holdridge   | Mackay     | Simson     | Whitbeck        |
| Couchman    | Hungerford  | Moore      | Smiley     | Whitaker        |
| Eastman     | Husted      | Moseley    | Smith      | Wiley           |

|        |         |         |            |         |
|--------|---------|---------|------------|---------|
| Enos   | Hyatt   | Mosher  | Smyth      | Woolsey |
| Fields | Jacobs  | Moulton | Sniper     | Wyman   |
| Foley  | Kennedy | Murdock | Speaker    | Yeomans |
| Fort   | Kilian  | Niles   | Springsted |         |

A quorum being present,

Mr. Speaker put the question whether the House would agree to said motion of Mr. Fort, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said report of the committee, and it was determined in the affirmative.

Mr. Fields introduced a bill entitled "An act in relation to the improvement of the Eighth avenue in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Eastman introduced a bill entitled "An act to repeal an act entitled 'An act to amend an act entitled An act to amend and consolidate the several acts in relation to the village of Rhinebeck, passed February 2, 1867,' passed April 21, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. A. L. Van Dusen introduced a bill entitled "An act to amend chapter 65 of the Laws of 1871, entitled 'An act to revise and consolidate the Laws in relation to the village of Geneva, in the county of Ontario,' passed March 3, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Hungerford introduced a bill entitled "An act to provide for the improvement of Pleasant street, in the city of Utica and town of New Hartford, Oneida county, between Oneida street and Lyman avenue," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Kingsland introduced a bill entitled "An act to authorize the extension of the time for the collection of taxes in the town of Plattsburgh, in the county of Clinton," which was read the first time, and by unanimous consent was also read the second time, and on motion of Mr. Kingsland, and by unanimous consent, was committed to the committee of the whole.

Mr. Moulton introduced a bill entitled "An act in relation to the use by the New York and Harlem Railroad Company of the Fourth avenue and streets intersecting the same above Forty-second street, in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Niles introduced a bill entitled "An act to open, widen, straighten, work and grade Third avenue, in the town of Morrisania," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act in relation to the service of notices by publication," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend an act entitled 'An act to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania,' passed May 2, 1863, and acts amending the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.



Also, a bill entitled "An act to grade and improve a public highway in the town of Westchester, in the county of Westchester, commonly called 'Corsas lane,' and also a portion of Eleventh avenue, in the village of Wakefield," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Kennedy introduced a bill entitled "An act for the relief of Cornelia G. Fuller and Annie E. Fitzhugh, devisees and legatees, under the last will and testament of Charles H. Carroll, deceased," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Haight introduced a bill entitled "An act to authorize the Pelham and Port Chester Railroad Company to cross such arms of the sea, bays, inlets or navigable streams as may be found necessary to build said road, and to build draw-bridges over the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Smiley introduced a bill entitled "An act to declare Otter creek and its tributaries in Lewis and Herkimer counties a public highway," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Wells introduced a bill entitled "An act to amend an act for the removal of obstructions from the outlet of Cayuga lake and the channel of Seneca river, passed April 13, 1858; also, an act to amend the same passed April 23, 1862, and an act passed April 23, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Mr. Swain introduced a bill entitled "An act to repeal an act to legalize the acts of the inhabitants of school districts Nos. 1, 2, 5 and 9, in the town of Wilson, in the county of Niagara, in forming a union free school district, and the official acts of the board of education therein," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

Mr. Jacobs introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the New York State Loan and Trust Company,' passed May 6, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to provide for the erection of a town house in the town of New Lots, Kings county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Speaker introduced a bill entitled "An act granting the consent of the State of New York to the purchase by the United States of certain lands for the purpose of the erection of a custom house, court house, etc., at Albany, and ceding jurisdiction over the same," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Alvord, and by unanimous consent, said bill was ordered to a third reading.

Also, a bill entitled "An act to amend sections 19 and 20 of chapter 6, title 5, part 2 of the Revised Statutes, relative to judgments against executors or administrators of the estates of deceased persons," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.



Also, a bill entitled "An act to amend an act entitled 'An act for establishing a turnpike road between the cities of Albany and Schenectady, passed March 30, 1802,' and authorizing the president, directors and company of said turnpike road to abandon a part of their road," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Herrick offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That Assembly bill No. 273, general order 302, entitled "An act to authorize the village of Greenbush to issue bonds for the purpose of raising money," be considered in the first committee of the whole, not full.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative, two-thirds of all the members present not voting in favor thereof.

On motion of Mr. Fields,

*Resolved*, That Richard O'Gorman, Esq., counsel to the corporation of the city of New York, report to this House, within twenty days from the passage of this resolution, the title of all suits and proceedings instituted, commenced or continued during his term of office to set aside assessments for local improvements in the city of New York, with the names of the attornies and the cause for which the said assessments were set aside, or attempted to be set aside; and that he also inform this House what in his opinion are the defects in the present laws relating to the levying assessments, and the collection of the same, for local improvements in said city, and if such defects can be remedied by legislation; and if so to submit a draft of such act or acts, or amendments, to the present laws, as in his judgment will cure the defects, if any, in the present laws.

On motion of Mr. Foley,

*Resolved*, That Thomas Canary, Edward J. Shandley and John Cox, commissioners, under the acts of the Legislature, passed in 1870, chapter 202, and in 1871, chapters 55 and 292, for building the third judicial district court-house in the city of New York, and for other purposes, report to this House, under oath, within ten days, the amounts total and a detail of all claims and liabilities incurred by them, whether paid or unpaid; the work done, the services rendered and the materials furnished, by whom and at what price or cost, in detail; and the work to be done and the estimated cost thereof, together with their own claims for compensation, paid and unpaid; specifying in said report the names of each and every person with whom said claims and liabilities were incurred, with copies of their bills, accounts and contracts.

Mr. Yeomans offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That Assembly bill No. 277, general orders No. 307, entitled "An act to authorize the formation of driving park and agricultural associations," be considered in the first committee of the whole, not full.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Burritt offered for the consideration of the House a resolution, in the words following, to wit :

*Whereas*, By the placing of one of the assistant door-keepers of the Assembly at the door of the Clerk's room, it becomes necessary that at

least one of the present door-keepers be retained for the balance of the session;

*And whereas*, Mr. George C. Latta, the assistant door-keeper stationed at the cloak-room door, has become familiarized with the members, and all persons entitled to the privileges of the floor; therefore,

*Resolved*, That George C. Latta be and is hereby retained as door-keeper at the cloak-room door for the balance of the session, at the same per diem allowance as is now provided by law.

Said resolution giving rise to debate,

*Ordered*, That the same be laid on the table.

Mr. Smiley offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That 1,400 copies of the annual report of the Regents of the University, and the Superintendent of Public Instruction, on the State Normal School at Albany, be printed for the use of the executive committee of the school.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. I. D. Brown offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the Secretary of State be and hereby is requested to cause to be prepared and printed, in pamphlet form, all laws relating to the preservation of game and fish, and cause the same to be distributed to the several justices of the peace and game constables of the State.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative.

Mr. Fields offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the committee on the judiciary be requested to inquire into and report as to the propriety of authorizing the Secretary of State to procure and furnish, on application, blanks for the organization of corporations and associations under general laws.

Said resolution giving rise to debate,

*Ordered*, That the same be laid on the table.

Mr. Husted moved to strike out rule 18, and insert the following:

Rule 18. It shall be the duty of the committee on two-thirds and three-fifths bills to carefully examine all bills coming within the ninth section of the first article, and the fourteenth section of article seven of the Constitution of this State; and when any bill shall have passed in committee of the whole House, on which the Speaker may entertain doubts whether it comes within the provisions of either of the said sections, it shall be referred to the said committee to examine and report thereon, before the questions on the final passage shall be taken. It shall be the duty of the committee on local and special laws to carefully examine all bills of a local and special nature, and when any bill shall have been favorably reported from a standing or special committee, on which the Speaker may entertain doubts whether it comes within the provisions of existing statutes, it shall be referred to the said committee to examine and report thereon at any time and at the earliest practicable moment. Every such bill, when reported favorably by the committee, shall be restored to its place on the general orders; if reported adversely, and the report of the committee be agreed to by the House, it shall not go again upon the general orders but shall be considered as rejected. If the reverse report of the committee be disagreed to, it shall be restored



as in the case of a favorable report. Every bill proposing to enact a general law or to amend a general law now in force, may be referred to such committee with power to amend the same; but no amendment shall be made by the committee to any local or special bill referred to them. The committee shall also have power to report, at any time, such amendments as they may deem necessary to the general laws now in force, and may also report such general laws as they may deem expedient. Every report of such committee which creates or amends a general law shall be placed on a preferred calendar of the general orders, having precedence over the unfinished business of the general orders.

Mr. Rose moved that said rule be referred to the committee on rules.

Mr. Speaker then put the question whether the House would agree to said motion, and it was determined in the negative.

By unanimous consent said rule was adopted.

Mr. Husted, from the committee on local and special laws, to which was referred the bill entitled "An act to incorporate the Ulster General Hospital," reported in favor of the passage of the same, and said bill was ordered placed on the calendar of third reading of bills.

Mr. Husted, from the committee on local and special laws, to which was referred the bill entitled "An act in relation to the establishment and care of a cemetery by the village of Geneva, Ontario county, and to provide means for the same," reported that there is no general law that is applicable to the same, and said bill was ordered placed on the calendar of third reading of bills.

The order of business of "unfinished business of the general orders" having been called,

On motion of Mr. Alvord, it was ordered that bills on that calendar, after having been called three times, shall be laid aside to be called up only on the written request of the members having the bill in charge.

The House then resolved itself into a committee of the whole on the bills entitled as follows:

"An act to incorporate the Mosholu Division No. 208, Sons of Temperance."

"An act authorizing and directing the surrogate of the county of Cattaraugus to distribute to the collateral next of kin of Sarah Denman her legacy under the last will and testament of her father, Ashbell Freeman, deceased, and also her distributive share as one of the next of kin of the estate of her deceased sister, Catharine Freeman."

"An act to authorize the formation of driving park, and agricultural associations."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. E. E. Brown, from said committee, reported in favor of the passage of the first and second mentioned bills, the second mentioned with amendments; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. E. E. Brown, from said committee, also reported progress on said third mentioned bill, and asked and obtained leave to sit again.

Mr. Fields moved that said bill be re-printed, as amended in committee of the whole, and retain its place on general orders.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The House again resolved itself into a committee of the whole on the bills entitled as follows:



"An act to authorize the city of Rochester to borrow money to pay off deficiencies arising from non-payment of taxes and assessments, and to issue its bonds for the payment thereof."

"An act to authorize plank-road and turnpike companies formed under and by virtue of part 1, chapter 18, title 1, article 5 of the Revised Statutes, to extend their charter or corporate existence."

"An act to authorize the city of Rochester to borrow money to pay off its debt, incurred in the purchase of a site for a free academy, and to issue its bonds for the payment thereof."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Chamberlain, from said committee, reported in favor of the passage of said mentioned bills; which report was agreed to, and said bills ordered engrossed for a third reading.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to repeal section 10, chapter 574, Laws of 1871, entitled 'An act to amend an act entitled An act to reorganize the local government of the city of New York,' passed April 5, 1870, passed April 18, 1871."

"An act to legalize the issue of certain bonds by the city of Rochester for the purpose of raising money for the relief of sufferers by the Chicago fire."

"An act to authorize the city of Rochester to borrow money to pay off its present debt for Arsenal Square improvement, and to issue its bonds for the payment of the same."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Ray, from said committee, reported in favor of the passage of said mentioned bills; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Fields moved that said first mentioned bill be recommitted to the committee on the affairs of cities, with instructions to insert the section of the act repealed by this bill, the same to retain its place on third reading of bills.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Herrick offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That Assembly bill No. 273, general order 302, entitled "An act to authorize the village of Greenbush to issue bonds for the purpose of raising money," be committed to the next committee of the whole, not full.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Loughran offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That Assembly bill No. 283, general order 314, entitled "An act to authorize the directors of the village of Kingston, in Ulster county, to issue bonds to pay the outstanding indebtedness of said village," be referred to the first committee of the whole, not full.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to repeal an act entitled 'An act in relation to the inspection of steam boilers in the State of New York, except in the Metropolitan police district,' passed June 22, 1867, and all acts amendatory thereof."

"An act to authorize the village of Greenbush to issue bonds for the purpose of raising money."

"An act to authorize the directors of the village of Kingston, in Ulster county, to issue bonds to pay the outstanding indebtedness of said village."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Moulton, from said committee, reported in favor of the passage of said bills, the second mentioned with an amendment; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Husted, from the committee on local and special laws, reported a bill entitled "An act to amend chapter 657 of the Laws of 1871, entitled 'An act to amend the act passed February 17, 1848, entitled An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed April 20, 1871," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. I. D. Brown offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That Senate bill No. 73, general order No. 253, entitled "An act to authorize Dodge and Stevenson Manufacturing Company to issued preferred stock," be referred to the first committee of the whole, not full.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to amend an act entitled 'An act to incorporate the New York Life Insurance and Trust Company,' passed March 9, 1830, and the act amendatory thereof, passed May 2, 1834."

"An act to amend chapter 177 of the Laws of 1870, entitled 'An act to incorporate the village of Pittsford, county of Monroe, State of New York,' passed April 11, 1870."

Senate, "An act to authorize Dodge and Stevenson Manufacturing Company to issue preferred stock."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Holdridge, from said committee, reported progress on said first mentioned bill, and asked and obtained leave to sit again.

Mr. Holdridge, from said committee, also reported progress on said second mentioned bill, and asked leave to sit again.

The question being upon granting leave,

Mr. Goss moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Holdridge, from said committee, also reported in favor of the passage of said third mentioned bill; which report was agreed to and said bill ordered to third reading.

On motion of Mr. Niles, at 10 o'clock and 45 minutes, the House adjourned.

## TUESDAY, MARCH 12, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Reese.

The journal of yesterday was read and approved.

The Senate returned the bill entitled "An act in relation to trustees and directors of charitable and benevolent institutions," with a message that they had passed the same with the following amendment:

Strike out the second section.

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Alvord        | Davidson   | Jacobs     | Mosher     | Sniper          |
| I. H. Babcock | Enos       | Kennedy    | Moulton    | Speaker         |
| Badeau        | Fields     | Kilian     | Murdock    | Springsted      |
| Beckwith      | Goss       | Kingsland  | Pell       | Squires         |
| Bennett       | Green      | Knapp      | Pierce     | Swain           |
| Blair         | Greenhalgh | Knettles   | Preston    | Tobey           |
| E. E. Brown   | Gregory    | Lincoln    | Prince     | Twombly         |
| I. D. Brown   | Haughton   | G. P. Lord | Rice       | A. L. Van Dusen |
| Buell         | Hawkins    | Lott       | Roche      | W. J. Van Dusen |
| Burns         | Healy      | Loughran   | Rose       | Vedder          |
| Carroll       | A. Hill    | Lynde      | Sage       | Wells           |
| Chamberlain   | D. B. Hill | Mackay     | Shepardson | Whitbeck        |
| Chambers      | Holdridge  | Marcy      | Simson     | White           |
| Cook          | Houghton   | Moore      | Smiley     | Wiley           |
| Couchman      | Hungerford | Morton     | Smith      | Wyman           |
| Crandall      | Hyatt      | Moseley    | Smyth      | Yeomans         |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

The Senate returned the bill entitled "An act to repeal section 27 of chapter 721 of the Laws of 1871 entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871, and to amend section 21 of said act," with a message that they had concurred in the passage of the same with the following amendments:

Strike out all after the enacting clause, and insert the following:

"SECTION 1. Section one of the act entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871, is hereby amended so as to read as follows:

"§ 1. No person or persons shall pursue with dog or dogs, ensnare or entrap any moose, elk, cariboo or wild deer, or cause to be killed any moose, elk, cariboo or wild deer, in any part or place within this State, except in the months of September and October, and in the first ten days



of the month of November in any year. Any person violating the provisions of this section, by pursuing with dogs, or ensnaring or entrapping, any moose, elk, cariboo or wild deer, or by killing any of said animals contrary to the provisions herein, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of fifty dollars, or be imprisoned in the county jail not exceeding three months, or both, at the discretion of the court, for each and every offense. The possession by any person of a carcass or green hide of any such animal, except during the time herein provided for killing the same, shall be deemed prima facie evidence that the person in whose possession such carcass or green hide is found killed the animal to which said carcass or green hide belonged; and it shall be unlawful to sell, transport or carry the carcass and hide, or carcass alone, after being killed, of any moose, elk, cariboo or wild deer, except during the months or time herein specified in which such animals may be killed, and the owner or owners, or corporations owning or running any line of stages, steamboats or railroads, and the owner or owners of any private conveyance upon which any carcass or green hide of such animals shall be found or conveyed, shall be subject to a penalty of fifty dollars for each and every offense.

"§ 2. Section twenty-one of said act is hereby amended so as to read as follows :

"§ 21. No person shall kill or expose for sale, or have in his or her possession after the same has been killed, any salmon-trout or lake trout, in the months of October, November, December, January and February, under a penalty of ten dollars for each fish, except that in Otsego lake fish may be caught or killed by hook and line only, but they may be had alive for artificial propagation or the stocking of other waters.

"§ 3. Section thirty of said act is hereby amended so as to read as follows:

"§ 30. Every person or persons building or maintaining a dam upon any one of the fluvial waters of this State, shall likewise build and maintain during the months of March, April, May, September, October and November, for the purpose of the passage of fish, a sluice-way in the said channel at least one foot in depth, at the edge of the dam, and of proper width, with four-inch square cross-pieces upon the bottom of the sluice-way three feet apart, which sluice-way shall be placed at an angle of not more than seven degrees, and extending entirely to the running water below the dam, and which sluice-way shall be protected on each side by an apron at least one foot in height to confine the water therein. Every person violating the provisions of this section shall, for each month's violation thereof, forfeit the sum of twenty-five dollars, to be recovered by and in the name of the overseer of the poor of any town adjoining the stream upon which such neglect shall happen: Provided, however, that this section shall not apply to Cattaraugus creek, at or above the village of Gowanda, in the county of Erie, or to any of its branches.

"§ 4. Nothing in this act contained shall in any manner affect or apply to the waters of the river St. Lawrence, the lakes in Jefferson county, or the waters of Lake Ontario, except Irondequoit bay.

"§ 5. Section twenty-seven of said act is hereby repealed.

"§ 6. This act shall take effect immediately."

Amend the title so as to read as follows :

"An act to amend chapter 721 of the Laws of 1871, entitled 'An act to

amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871; also, to repeal section 27 of said act."

Mr. Holdridge moved that the House non-concur in the amendments of the Senate to said bill, request a committee of conference thereon, and that a committee be appointed on part of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The Senate returned the bill entitled as follows:

"An act in relation to trustees and directors of charitable and benevolent institutions."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Lott, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act granting the consent of the State of New York to the purchase by the United States of certain lands for the purpose of the erection of a custom-house, court-house, etc., at Albany, and ceding jurisdiction over the same."

"An act to incorporate the Mosholu Division No. 208, Sons of Temperance."

"An act authorizing and directing the surrogate of the county of Cattaraugus to distribute to the collateral next of kin of Sarah Denman her legacy under the last will and testament of her father, Ashbell Freeman, deceased, and also her distributive share as one of the next of kin of the estate of her deceased sister, Catharine Freeman."

"An act to authorize the city of Rochester to borrow money to pay off deficiencies arising from non-payment of taxes and assessments, and to issue its bonds for the payment thereof."

"An act to authorize plank-road and turnpike companies formed under and by virtue of part 1st, chapter 18, title 1, article 5 of the Revised Statutes, to extend their charter or corporate existence."

"An act to authorize the city of Rochester to borrow money to pay off its debt, incurred in the purchase of a site for a free academy, and to issue its bonds for the payment thereof."

"An act to legalize the issue of certain bonds by the city of Rochester for the purpose of raising money for the relief of sufferers by the Chicago fire."

"An act to authorize the city of Rochester to borrow money to pay off its present debt for Arsenal square improvement, and to issue its bonds for the payment of the same."

"An act to repeal an act entitled 'An act in relation to the inspection of steam boilers in the State of New York, except in the metropolitan police district,' passed June 22, 1867, and all acts amendatory thereof."

"An act to authorize the village of Greenbush to issue bonds for the purpose of raising money."

"An act to authorize the directors of the village of Kingston, in Ulster county, to issue bonds to pay the outstanding indebtedness of said village."

"An act to amend chapter 177 of the Laws of 1870, entitled 'An act to incorporate the village of Pittsford, county of Monroe, State of New York,' passed April 11, 1870."

Mr. Husted, from the committee on local and special laws, to which was referred the bill entitled "An act to incorporate the Protection Hose Association of the village of Plattsburgh, New York," reported in favor

of rejecting the bill for the reason that the objects desired can be attained under the provisions of chapter 319 of the Laws of 1848; which report was agreed to, and said bill was rejected.

By unanimous consent, and on motion of Mr. Kingsland, the bill entitled "An act to authorize the extension of the time for the collection of taxes in the town of Plattsburgh, in the county of Clinton," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Crandall    | Houghton   | Moore      | Smiley          |
| Alvord        | Davidson    | Hungerford | Morton     | Sniper          |
| I. H. Babcock | Enos        | Hyatt      | Mosher     | Snyder          |
| Badeau        | Fields      | Jacobs     | Moulton    | Speaker         |
| Beckwith      | Fort        | Kennedy    | Murdock    | Swain           |
| Bennett       | Fowler      | Kilian     | Pell       | Tobey           |
| Blair         | Geib        | Kingsland  | Pierce     | D. Tomkins      |
| E. E. Brown   | Goss        | Knapp      | Preston    | M. M. Tompkins  |
| I. D. Brown   | Green       | Knettles   | Prince     | A. L. Van Dusen |
| Buell         | Greenhalgh  | Lincoln    | Ray        | W. J. Van Dusen |
| Burns         | Gregory     | G. P. Lord | Rice       | Wells           |
| Burritt       | Hawkins     | Lott       | Roche      | West            |
| Carroll       | A. L. Hayes | Loughran   | Rose       | Wiley           |
| Chamberlain   | Healy       | Lynde      | Sage       | Woolsey         |
| Chambers      | A. Hill     | Mackay     | Shepardson | Wyman           |
| Cook          | Holdridge   | Marcy      | Simson     | Yeomans         |
| Couchman      |             |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Speaker announced the special order, being the bill entitled "An act making appropriations for the support of government."

The House then resolved itself into a committee of the whole on the said entitled bill.

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Lincoln, from said committee, reported progress on said bill, and asked and obtained leave to sit again.

Mr. Alvord moved that said bill be made the special order for this evening.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. A. L. Van Dusen, from the committee on engrossed bills, reported as correctly engrossed the bill (passed March 12) entitled as follows:

"An act to authorize the extension of the time for the collection of taxes in the town of Plattsburgh, in the county of Clinton."

On motion of Mr. Fort, at 2 o'clock and 35 minutes, the House took a recess until 7½ o'clock.



## HALF-PAST SEVEN O'CLOCK P. M.

The House again met.

Mr. Speaker referred the bills entitled as follows to the committee on local and special laws :

"An act to incorporate the Fordham Laundry Company."

"An act to amend an act entitled 'An act for the incorporation of villages,' passed April 20, 1870."

"An act to encourage the establishment of manufactories in the city of Poughkeepsie."

"An act to incorporate the Holy Sepulcher Cemetery in the city of Rochester."

"An act to incorporate the Hudson River Agricultural, Horticultural and Mechanical Fair Association."

"An act to incorporate the Mutual Trust Institution of the city of New York."

Senate, "An act to amend an act passed May 10, 1870, entitled 'An act to amend an act entitled "An act to provide for the incorporation of villages," passed December 7, 1847, and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge, and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village."

"An act to revive the Gypsum Cemetery Association, in Ontario county."

"An act to incorporate the Fresco Painters' Benevolent and Protective Union, of the city and county of New York."

"An act to incorporate the Port Jervis Mænnerchor, of the village of Port Jervis, Orange county."

"An act to incorporate the trustees of the home for the destitute children of Madison county."

"An act to incorporate the Utica Park Association."

"An act to incorporate the Congregational Church Shed Association."

"An act to incorporate the South Worcester Cemetery Association."

"An act to incorporate the Young Men's Universalist Association of the city of New York."

Senate, "An act to revive and amend the act to incorporate the Wyoming Benevolent Institute, passed April 28, 1870."

Mr. Speaker announced the special order, being the bill entitled "An act making appropriations for the support of government.

The House again resolved itself into a committee of the whole on the said entitled bill.

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Lincoln, from said committee, reported in favor of the passage of said bill, with amendments ; which report was agreed to, and said bill ordered engrossed for a third reading.

The House again resolved itself into a committee of the whole on the bills entitled as follows :

"An act to repeal chapter 808 of the Laws of 1870, entitled 'An act to maintain the bridges of Oneida, Oswego and Salem rivers, in Oswego county.'"

Senate, "An act to amend an act entitled 'An act to amend an act to incorporate the Savings Bank of the city of Utica,' passed April 26, 1839, passed April 11, 1870."

"An act to provide for the payment of certain officers and employes of the Senate and Assembly, for their services."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Carroll, from said committee, reported that they have stricken out the first section and the enacting clause of said first mentioned bill.

The question being on agreeing to said report,

Mr. Sage moved that the first section and enacting clause of said bill be restored, and that said bill be ordered to a third reading.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

{ AYES 41 }  
{ NOES 58 }

Those who voted in the affirmative, were

|             |            |            |            |                 |
|-------------|------------|------------|------------|-----------------|
| Blair       | Fort       | Hungerford | Preston    | Tucker          |
| I. D. Brown | Gregory    | Husted     | Ray        | Twombly         |
| Buckley     | Haight     | Hyatt      | Sage       | W. J. Van Dusen |
| Carroll     | Hawkins    | Judd       | Smyth      | Vedder          |
| Chamberlain | J. Hayes   | Knettles   | Sniper     | West            |
| Chambers    | Healy      | G. P. Lord | Springsted | Wiley           |
| Cook        | A. Hill    | Marcy      | Strahan    | Woolsey         |
| Crandall    | D. B. Hill | Paige      | D. Tomkins | Yeomans         |
| Dunphy      |            |            |            |                 |

Those who voted in the negative, were

|               |            |           |         |                 |
|---------------|------------|-----------|---------|-----------------|
| Abbott        | Dykeman    | Jacobs    | Mosher  | Smith           |
| Alberger      | Enos       | Kilian    | Moulton | Snyder          |
| Alvord        | Fields     | Kingsland | Murdock | Speaker         |
| I. H. Babcock | Flammer    | Knapp     | Pell    | Squires         |
| Beckwith      | Foley      | Lincoln   | Pierce  | Swain           |
| Berri         | Geib       | Lott      | Prince  | A. L. Van Dusen |
| E. E. Brown   | Goring     | Loughran  | Rice    | Wells           |
| Buell         | Goss       | Lynde     | Roche   | White           |
| Burritt       | Green      | Mackay    | Rose    | Whitaker        |
| Campbell      | Greenhalgh | Moore     | Simson  | Woodward        |
| Couchman      | Houghton   | Morton    | Smiley  | Wyman           |
| Davidson      | Holdridge  | Moseley   |         |                 |

When the name of Mr. Badeau was called, he asked to be excused from voting.

Mr. Speaker put the question whether the House would agree to said request to excuse, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the report of the committee of the whole, and it was determined in the affirmative, and said bill rejected.

Mr. Carroll, from said committee, also reported in favor of the passage of the second mentioned bill; which report was agreed to, and said bill ordered to a third reading.

Mr. Carroll, from said committee, also reported progress on said third mentioned bill, and asked and obtained leave to sit again.

Mr. Husted, from the committee on local and special laws, to which was referred the bill entitled "An act to incorporate the Mamaroneck and Rye Neck Fire Department," reported favorably because there is no general law applicable to the same, or that can be amended to attain the purpose of said bill; which report was agreed to, and said bill replaced upon calendar of third reading of bills.

Mr. Fields rose to a point of order, that under the operation of the 9th joint rule the House should proceed to the third reading of bills.

Mr. Alvord moved to lay said order of business on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to amend an act entitled 'An act to amend an act entitled An act to incorporate the association for the benefit of colored orphans in the city of New York,' passed April 16, 1838, passed April 1, 1871."

Senate, "An act to extend the time for the collection of taxes in the towns of Jamaica, Hempstead, North Hempstead and Oyster Bay, county of Queens."

Senate, "An act to relieve juvenile delinquents from certain disqualifications."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Buckley, from said committee, reported in favor of the passage of said first mentioned bill; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Buckley, from said committee, also reported in favor of the passage of said second and third mentioned bills; which report was agreed to, and said bills ordered to a third reading.

Mr. Alvord offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That Assembly bill No. 288, general orders No. 322, entitled "An act to provide for the audit and payment of certain claims and expenses incurred by the direction of the Governor and Attorney-General, in the city of New York," be considered in the next committee of the whole.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Squires offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That Assembly bill general orders No. 425, printed No. 383, entitled "An act for the extension of the Utica, Chenango and Cortland railroad," be considered in the next committee of the whole.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative, two-thirds of all the members present not voting in favor thereof.

The Sergeant-at-Arms brought before the bar of the House Graham Brown, declared to be in contempt of this House in neglecting to appear and testify before the committee on commerce and navigation, in obedience to a subpoena issued by said committee.

Having been addressed by the Speaker, and given his excuse for such neglect to appear and testify when subpoenaed,

Mr. Fields moved that he be purged of contempt, having since appeared and testified before the committee.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Haight offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That Assembly bill No. 312, general orders No. 350, entitled "An act to amend an act passed April 26, 1870, entitled 'An act to make



further provision for the government of the city of New York," be considered in the next committee of the whole, not full.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative, two-thirds of all the members present not voting in favor thereof.

The House again resolved itself into a committee of the whole on the bill entitled as follows :

"An act to provide for the audit and payment of certain claims and expenses incurred by the direction of the Governor and Attorney-General, in the city of New York."

And after some time spent therein, the Speaker resumed the chair, and Mr. Blair, from said committee, reported progress on said bill, and asked leave to sit again.

The question being upon granting leave,

Mr. Alvord moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered to a third reading, and upon that motion he moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the motion of Mr. Alvord, and it was determined in the affirmative.

*Ordered*, That said bill be engrossed for a third reading.

Mr. Alvord moved that said bill be recommitted to the committee on ways and means, to retain its place on the third reading of bills.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

On motion of Mr. Husted, at 10 o'clock and 50 minutes, the House adjourned.

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### WEDNESDAY, MARCH 13, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Marshall.

The journal of yesterday was read and approved.

The Senate sent for concurrence the bills entitled as follows :

"An act to incorporate the Little Valley Water-works Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to protect purchasers on sales of real estate of infants, by special guardian, prior to January 1, 1852," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to incorporate the Batavia Library Association, and appropriating certain money thereto," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

"An act to alter the map or plan of the city of New York," which was

read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act for the relief of Robert G. Ostrander, a commissioner of a certain highway in Hamilton county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to provide for the repair, improvement, construction and protection of bridges on the Cattaraugus Indian reservation, in the counties of Erie and Cattaraugus," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to confirm the title of citizens of this State to lands for which they have heretofore taken conveyances from aliens," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to amend an act entitled An act concerning the proof of wills, executors and administrators, guardians and wards and surrogates' courts,' passed May 16, 1837, passed May 11, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to repeal an act entitled 'An act relative to the improvement of certain portions of the county of Westchester and New York, including provisions for communication between said counties, and for the improving of the navigation of Harlem river and Spuyten Duyvil creek,' passed April 15, 1871, so far as relates to the towns of East Chester and Westchester, in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

A message from the Senate was received and read, informing of concurrence in the bills entitled as follows:

"An act to authorize the extension of the time for the collection of taxes in the town of Plattsburgh, in the county of Clinton."

"An act releasing the interests of the State in certain lands of which Hannah Jane Butcher died possessed, to William Butcher, her surviving husband."

"An act to authorize the village of Silver Creek, in the county of Chautauqua, to purchase, hold, use, and convey certain real estate, and to legalize proceedings relative thereto."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate returned the bill entitled "An act granting jurisdiction to the United States over a certain piece of land within this State, to be occupied as a site for offices and storehouses, in the construction, repair and maintenance of a pier for the formation of a harbor at Oswego, New York," with a message informing of concurrence in the passage of the same with the following amendments:

Section 3, line 1, after the word "remain," insert the word "under;" same section, line 2, strike out the word "property," and insert in lieu thereof the word "jurisdiction."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 93 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Aitken        | Cook       | Houghton   | Moseley    | Speaker         |
| Alberger      | Couchman   | Hungerford | Mosher     | Springsted      |
| Alvord        | Crandall   | Husted     | Moulton    | Squires         |
| D. L. Babcock | Davidson   | Hyatt      | Paige      | Strahan         |
| I. H. Babcock | Dykeman    | Jacobs     | Pierce     | Swain           |
| Badeau        | Eastman    | Judd       | Preston    | D. Tomkins      |
| Beckwith      | Enos       | Kennedy    | Prince     | M. M. Tompkins  |
| Bennett       | Fields     | Kilian     | Rice       | Tucker          |
| Berri         | Fort       | Kingsland  | Roche      | Twombly         |
| Blair         | Fowler     | Knettles   | Rose       | A. L. Van Dusen |
| E. E. Brown   | Goss       | Lewis      | Sage       | Wells           |
| I. D. Brown   | Green      | Lincoln    | Shepardson | West            |
| Buckley       | Greenhalgh | G. P. Lord | Simson     | Whitbeck        |
| Buell         | Gregory    | Lott       | Smiley     | White           |
| Burns         | Haight     | Loughran   | Smith      | Whitaker        |
| Burritt       | Hawkins    | Lynde      | Smyth      | Wiley           |
| Carroll       | Herrick    | Mackay     | Sniper     | Woodward        |
| Chamberlain   | Holdridge  | Marcy      | Snyder     | Yeomans         |
| Chambers      | Hollister  | Moore      |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to release the interest of the people of the State of New York in and to certain lands in Sullivan county to Henry Eisner," with a message informing of concurrence in the passage of the same with the following amendments:

Insert as section 2 the following:

"§ 2. Nothing in this act contained shall release, discharge or impair any right, claim or interest of any creditor or purchaser, mortgagee, devisee or heir-at-law in the said real estate."

Change section 2, of engrossed bill, to section 3.

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 92 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Aitken        | Couchman   | Houghton   | Mosher  | Snyder          |
| Alberger      | Crandall   | Hungerford | Moulton | Speaker         |
| Alvord        | Davidson   | Husted     | Niles   | Springsted      |
| D. L. Babcock | Dykeman    | Hyatt      | Paige   | Squires         |
| I. H. Babcock | Eastman    | Judd       | Pell    | Swain           |
| Badeau        | Enos       | Kennedy    | Pierce  | D. Tomkins      |
| Beckwith      | Fields     | Kilian     | Preston | M. M. Tompkins  |
| Bennett       | Fort       | Kingsland  | Prince  | Twombly         |
| Berri         | Fowler     | Knettles   | Ray     | A. L. Van Dusen |
| Blair         | Goss       | Lewis      | Rice    | Wells           |
| E. E. Brown   | Green      | Lincoln    | Roche   | West            |
| I. D. Brown   | Greenhalgh | G. P. Lord | Rose    | Whitbeck        |
| Buckley       | Gregory    | Lott       | Sage    | White           |
| Buell         | Haight     | Lynde      | Simson  | Whitaker        |
| Burns         | Haughton   | Mackay     | Smiley  | Wiley           |
| Burritt       | Hawkins    | Moore      | Smith   | Woodward        |



|             |           |         |        |         |
|-------------|-----------|---------|--------|---------|
| Chamberlain | Healy     | Morton  | Smyth  | Woolsey |
| Chambers    | Herrick   | Moseley | Sniper | Yeomans |
| Cook        | Holdridge |         |        |         |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments :

Mr. Speaker presented the report of the Board of State Commissioners of Public Charities, concerning the management of the Dispensary and Hospital Society of the Women's Institute of New York city ; which was laid on the table and ordered printed.

(See Doc. No. 95.)

By unanimous consent, Mr. Houghton introduced a bill entitled "An act to authorize the extension of the time for the collection of taxes in the several towns and cities in this State," which was read the first time, and by unanimous consent was also read the second time.

By unanimous consent, and on motion of Mr. Houghton, said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Aitken        | Crandall   | Judd       | Paige      | Springsted      |
| Alberger      | Davidson   | Kennedy    | Pell       | Squires         |
| Alvord        | Dykeman    | Kingsland  | Pierce     | D. Tomkins      |
| I. H. Babcock | Fields     | Knettles   | Preston    | Tucker          |
| Badeau        | Flammer    | Lewis      | Prince     | A. L. Van Dusen |
| Bennett       | Fowler     | Lincoln    | Ray        | W. J. Van Dusen |
| Berri         | Goss       | G. P. Lord | Rice       | Wells           |
| Blair         | Green      | Lott       | Roche      | West            |
| E. E. Brown   | Gregory    | Loughran   | Rose       | Whitbeck        |
| I. D. Brown   | Healy      | Lynde      | Shepardson | White           |
| Buckley       | Herrick    | Mackay     | Simson     | Whitaker        |
| Burns         | A. Hill    | Moore      | Smith      | Wiley           |
| Burritt       | Holdridge  | Morton     | Smyth      | Woodward        |
| Chamberlain   | Houghton   | Moseley    | Sniper     | Woolsey         |
| Chambers      | Hungerford | Murdock    | Snyder     | Wyman           |
| Cook          | Husted     | Osgood     | Speaker    | Yeomans         |
| Couchman      |            |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

By unanimous consent, Mr. Rose introduced a bill entitled "An act authorizing the construction and maintenance of a highway from the north line of the town of Hollywood, in the county of St. Lawrence, into township No. 25, in Franklin county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Speaker announced the following committee of conference on the bill entitled "An act to repeal section 27 of chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871, and to amend section 21 of said act : " Messrs. Holdridge, Enos, Marey, Swain, Campbell.

In pursuance of the 9th joint rule, the House proceeded to the third reading of bills.

The bill entitled "An act to incorporate the Mamaroneck and Rye Neck fire department," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 91 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Aitken        | Crandall   | Hungerford | Murdock    | Snyder          |
| Alberger      | Davidson   | Hyatt      | Niles      | Speaker         |
| Alvord        | Dykeman    | Judd       | Paige      | Springsted      |
| D. L. Babcock | Eastman    | Kennedy    | Pell       | Squires         |
| I. H. Babcock | Enos       | Kilian     | Pierce     | Swain           |
| Badeau        | Fields     | Kingsland  | Preston    | M. M. Tompkins  |
| Beckwith      | Fort       | Knapp      | Prince     | Twombly         |
| Bennett       | Fowler     | Lewis      | Ray        | A. L. Van Dusen |
| Berri         | Goss       | G. P. Lord | Rice       | W. J. Van Dusen |
| Blair         | Green      | Lott       | Roche      | Wells           |
| E. E. Brown   | Greenhalgh | Loughran   | Rose       | West            |
| I. D. Brown   | Gregory    | Lynde      | Sage       | White           |
| Buckley       | Hawkins    | Mackay     | Shepardson | Whitaker        |
| Buell         | Healy      | Marcy      | Simson     | Wiley           |
| Burns         | Herrick    | Moore      | Smiley     | Woodward        |
| Burritt       | A. Hill    | Morton     | Smith      | Woolsey         |
| Chamberlain   | Holdridge  | Mosher     | Smyth      | Wyman           |
| Chambers      | Houghton   | Moulton    | Sniper     | Yeomans         |
| Cook          |            |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act in relation to the establishment and care of a cemetery by the village of Geneva, Ontario county, and to provide means for the same," having been announced for a third reading,

On motion of Mr. A. L. Van Dusen, and by unanimous consent, said bill was amended as follows:

Add at end of first section the words "Notwithstanding that one of said commissioners, although a freeholder of said village, is not an actual resident therein."

Add at the end of the fifth section the words "And provided further that no bonds reissued under the provisions of this act shall be made payable more than ten years from the reissue thereof."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |            |         |            |
|---------------|----------|------------|---------|------------|
| Aitken        | Crandall | Houghton   | Moulton | Sniper     |
| Alberger      | Davidson | Hungerford | Murdock | Snyder     |
| Alvord        | Dykeman  | Husted     | Paige   | Speaker    |
| D. L. Babcock | Eastman  | Hyatt      | Pell    | Springsted |
| I. H. Babcock | Enos     | Judd       | Pierce  | Strahan    |

|             |            |            |            |                 |
|-------------|------------|------------|------------|-----------------|
| Badeau      | Fields     | Kennedy    | Preston    | M. M. Tompkins  |
| Beckwith    | Flammer    | Kilian     | Prince     | Tucker          |
| Bennett     | Fort       | Kingsland  | Ray        | Twombly         |
| Berri       | Fowler     | Knapp      | Rice       | A. L. Van Dusen |
| Blair       | Goss       | Lewis      | Roche      | Wells           |
| E. E. Brown | Green      | G. P. Lord | Rose       | West            |
| I. D. Brown | Greenhalgh | Lott       | Sage       | White           |
| Buckley     | Gregory    | Lynde      | Shepardson | Whitaker        |
| Buell       | Haight     | Mackay     | Simson     | Woodward        |
| Burritt     | Hawkins    | Moore      | Smiley     | Woolsey         |
| Chamberlain | Herrick    | Morton     | Smith      | Wyman           |
| Chambers    | A. Hill    | Moseley    | Smyth      | Yeomans         |
| Couchman    | Holdridge  | Mosher     |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Flammer moved to take from the table the motion to reconsider the vote on the final passage of the bill entitled "An act making an appropriation for Sarah Wyatt, widow of Samuel Wyatt."

Mr Speaker put the question whether the House would agree to said motion to take from the table, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to reconsider the vote on the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 86 }  
{ NOES 15 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Alberger      | Davidson   | A. Hill    | Morton     | Sniper          |
| Alvord        | Dunphy     | Holdridge  | Moulton    | Snyder          |
| D. L. Babcock | Dykeman    | Houghton   | Murdock    | Springsted      |
| I. H. Babcock | Eastman    | Hungerford | Paige      | Squires         |
| Badeau        | Enos       | Husted     | Pell       | Swain           |
| Beckwith      | Fields     | Hyatt      | Pierce     | M. M. Tompkins  |
| Bennett       | Flammer    | Jacobs     | Preston    | Twombly         |
| Berri         | Fort       | Judd       | Prince     | A. L. Van Dusen |
| I. D. Brown   | Fowler     | Kennedy    | Ray        | W. J. Van Dusen |
| Buckley       | Goss       | Kilian     | Rice       | Vedder          |
| Buell         | Green      | Knapp      | Rose       | West            |
| Burns         | Greenhalgh | G. P. Lord | Sage       | Whitbeck        |
| Burritt       | Haight     | Lott       | Shepardson | White           |
| Campbell      | Haughton   | Loughran   | Simson     | Whitaker        |
| Carroll       | Hawkins    | Mackay     | Smiley     | Woolsey         |
| Cook          | Healy      | Marcy      | Smith      | Wyman           |
| Couchman      | Herrick    | Moore      | Smyth      | Yeomans         |
| Crandall      |            |            |            |                 |

Those who voted in the negative, were

|             |             |         |         |          |
|-------------|-------------|---------|---------|----------|
| Abbott      | Chamberlain | Lewis   | Mosher  | Wells    |
| Aitken      | Gregory     | Lynde   | Roche   | Wiley    |
| E. E. Brown | Knottles    | Moseley | Speaker | Woodward |

Said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof

{ AYES 88 }  
{ NOES 18 }

Those who voted in the affirmative, were

|          |          |         |         |            |
|----------|----------|---------|---------|------------|
| Alberger | Davidson | Herrick | Murdock | Springsted |
| Alvord   | Dunphy   | A. Hill | Paige   | Squires    |



|               |             |          |            |                 |
|---------------|-------------|----------|------------|-----------------|
| D. L. Babcock | Dykeman     | Houghton | Pell       | Strahan         |
| Badeau        | Eastman     | Husted   | Pierce     | Swain           |
| Beckwith      | Enos        | Hyatt    | Preston    | D. Tomkins      |
| Bennett       | Flammer     | Jacobs   | Prince     | M. M. Tompkins  |
| Berri         | Fort        | Judd     | Ray        | Twombly         |
| I. D. Brown   | Fowler      | Kennedy  | Rice       | A. L. Van Dusen |
| Buckley       | Geib        | Kilian   | Rose       | W. J. Van Dusen |
| Buell         | Goring      | Knapp    | Sage       | Vedder          |
| Burns         | Goss        | Lincoln  | Shepardson | West            |
| Burritt       | Green       | Lott     | Simson     | Whitbeck        |
| Campbell      | Greenhalgh  | Loughran | Smiley     | White           |
| Carroll       | Haight      | Mackay   | Smith      | Whitaker        |
| Chambers      | Haughton    | Marcy    | Smyth      | Woolsey         |
| Cook          | Hawkins     | Moore    | Sniper     | Wyman           |
| Couchman      | A. L. Hayes | Morton   | Snyder     | Yeomans         |
| Crandall      | Healy       | Moulton  |            |                 |

Those who voted in the negative, were

|               |             |          |         |          |
|---------------|-------------|----------|---------|----------|
| Abbott        | Chamberlain | Knettles | Roche   | Wells    |
| Aitken        | Fields      | Lewis    | Speaker | Wiley    |
| I. H. Babcock | Gregory     | Lynde    | Tucker  | Woodward |
| E. E. Brown   | J. Hayes    | Moseley  |         |          |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to incorporate the Ulster General Hospital," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

} AYES 93 }  
} NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Crandall    | Healy      | Moore      | Snyder          |
| Aitken        | Davidson    | Herrick    | Morton     | Speaker         |
| Alberger      | Dunphy      | A. Hill    | Moseley    | Springsted      |
| Alvord        | Dykeman     | Houghton   | Mosher     | Squires         |
| D. L. Babcock | Eastman     | Hungerford | Moulton    | M. M. Tompkins  |
| I. H. Babcock | Enos        | Hyatt      | Murdock    | Tucker          |
| Badeau        | Fields      | Judd       | Paige      | Twombly         |
| Beckwith      | Fort        | Kennedy    | Preston    | A. L. Van Dusen |
| Bennett       | Fowler      | Kilian     | Prince     | W. J. Van Dusen |
| Berri         | Geib        | Knapp      | Ray        | Wells           |
| Blair         | Goring      | Knettles   | Rose       | West            |
| E. E. Brown   | Goss        | Lewis      | Sage       | White           |
| I. D. Brown   | Green       | Lincoln    | Shepardson | Whitaker        |
| Buckley       | Greenhalgh  | G. P. Lord | Simson     | Wiley           |
| Burritt       | Gregory     | Lott       | Smiley     | Woodward        |
| Campbell      | Haight      | Loughran   | Smith      | Woolsey         |
| Carroll       | Haughton    | Lynde      | Smyth      | Wyman           |
| Chambers      | Hawkins     | Mackay     | Sniper     | Yeomans         |
| Couchman      | A. L. Hayes | Marcy      |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 718 of the Laws of 1868, entitled 'An act to amend the act entitled An act to extend the operation and effect of the act passed February 16, 1848, entitled An act to authorize the formation of corporations for manufacturing, mining, me-

chanical and chemical purposes,' passed May 9, 1868," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 82 }  
{ NOES 4 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Couchman    | Healy      | Marcy      | Squires         |
| Aitken        | Crandall    | Herrick    | Moore      | Strahan         |
| Alberger      | Davidson    | A. Hill    | Morton     | Swain           |
| Alvord        | Dunphy      | Hungerford | Mosher     | D. Tomkins      |
| D. L. Babcock | Dykeman     | Hyatt      | Moulton    | M. M. Tompkins  |
| I. H. Babcock | Eastman     | Judd       | Murdock    | Twombly         |
| Badeau        | Enos        | Kennedy    | Preston    | A. L. Van Dusen |
| Beckwith      | Fields      | Kilian     | Ray        | W. J. Van Dusen |
| Berri         | Fort        | Knettes    | Sage       | Vedder          |
| E. E. Brown   | Fowler      | Lewis      | Simson     | Wells           |
| I. D. Brown   | Geib        | Lincoln    | Smiley     | West            |
| Buckley       | Green       | G. P. Lord | Smith      | White           |
| Buell         | Greenhalgh  | Lott       | Sniper     | Whitaker        |
| Burns         | Gregory     | Loughran   | Snyder     | Woodward        |
| Campbell      | Haight      | Lynde      | Speaker    | Woolsey         |
| Chamberlain   | Houghton    | Mackay     | Springsted | Wyman           |
| Chambers      | A. L. Hayes |            |            |                 |

Those who voted in the negative, were

|          |      |      |         |
|----------|------|------|---------|
| Houghton | Pell | Rose | Yeomans |
|----------|------|------|---------|

Mr. Husted moved that the vote on said bill be reconsidered, and that said motion be laid on the table.

Mr. Speaker put the question whether the House would agree to said motion to lay on the table, and it was determined in the affirmative.

The bill entitled "An act to amend chapter 77 of the Laws of 1870, and chapter 536 of the Laws of 1871," passed respectively, March 16, 1870, and April 15, 1871, entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany,' passed April 12, 1842, and the several acts amendatory thereof, in so far as they relate to the city of Albany," having been announced for a third reading,

On motion of Mr. Alvord, said bill was recommitted to the committee on the affairs of cities, to retain its place on third reading of bills.

The Senate bill entitled "An act to authorize the surrogate of Albany county to issue letters of administration of the personal estate which was of Charles D. Mills, deceased, to his widow Elizabeth P. Mills," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 77 }  
{ NOES 7 }

Those who voted in the affirmative, were

|          |          |            |         |                |
|----------|----------|------------|---------|----------------|
| Abbott   | Davidson | A. Hill    | Morton  | Squires        |
| Alberger | Dunphy   | Houghton   | Moseley | Strahan        |
| Alvord   | Eastman  | Hungerford | Moulton | M. M. Tompkins |

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| D. L. Babcock | Enos       | Husted     | Murdock    | Tucker          |
| I. H. Babcock | Fields     | Hyatt      | Oakley     | Twombly         |
| Badeau        | Flammer    | Jacobs     | Paige      | A. L. Van Dusen |
| Beckwith      | Fort       | Judd       | Pell       | W. J. Van Dusen |
| Berri         | Geib       | Kennedy    | Preston    | Wells           |
| E. E. Brown   | Goring     | Kilian     | Ray        | West            |
| Buell         | Green      | Lewis      | Rose       | White           |
| Burritt       | Greenhalgh | Lincoln    | Simson     | Whitaker        |
| Campbell      | Gregory    | G. P. Lord | Smiley     | Woodward        |
| Chambers      | Haight     | Loughran   | Smith      | Woolsey         |
| Cook          | Hawkins    | Mackay     | Speaker    | Wyman           |
| Couchman      | Healy      | Moore      | Springsted | Yeomans         |
| Crandall      | Herrick    |            |            |                 |

Those who voted in the negative, were

|             |         |             |             |       |
|-------------|---------|-------------|-------------|-------|
| Aitken      | Buckley | Chamberlain | A. L. Hayes | Roche |
| I. D. Brown | Carroll |             |             |       |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to amend an act entitled 'An act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes,' passed April 20, 1866," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 76 }  
{ NOES 7 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Abbott        | Crandall    | Holdridge  | Mackay  | Springsted      |
| Aitken        | Davidson    | Houghton   | Marcy   | Squires         |
| Alvord        | Dykeman     | Hungerford | Morton  | Strahan         |
| D. L. Babcock | Enos        | Husted     | Moulton | Swain           |
| Badeau        | Flammer     | Hyatt      | Murdock | Tucker          |
| Beckwith      | Fort        | Jacobs     | Pell    | Twombly         |
| Bennett       | Geib        | Judd       | Pierce  | A. L. Van Dusen |
| Berri         | Green       | Kennedy    | Prince  | W. J. Van Dusen |
| E. E. Brown   | Greenhalgh  | Kilian     | Ray     | Wells           |
| I. D. Brown   | Gregory     | Lewis      | Rice    | West            |
| Buell         | Haughton    | Lincoln    | Rose    | White           |
| Burritt       | Hawkins     | G. P. Lord | Simson  | Whitaker        |
| Campbell      | A. L. Hayes | Lott       | Smiley  | Wiley           |
| Carroll       | Herrick     | Loughran   | Sniper  | Woolsey         |
| Chamberlain   | A. Hill     | Lynde      | Snyder  | Wyman           |
| Chambers      |             |            |         |                 |

Those who voted in the negative, were

|               |        |         |          |         |
|---------------|--------|---------|----------|---------|
| I. H. Babcock | Goring | Speaker | Woodward | Yeomans |
| Buckley       | Sage   |         |          |         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Lott, from the committee on engrossed bills, reported as correctly engrossed (as amended by the Senate, March 12), the bill entitled as follows:

"An act to release the interest of the people of the State of New York in and to certain lands in Sullivan county to Henry Eisner."

The bill entitled "An act to incorporate the Troy, Lansingburgh and



Cohoes Bridge Company, for the purpose of constructing and maintaining a bridge, appurtenances and approaches to the same, over the Hudson river from some point on Van Schaick's Island, in the city of Cohoes to some point in the village of Lansingburgh, south of Bolton's brewery, on said river," having been announced for a third reading,

Mr. Alvord moved that said bill be recommitted to the committee on commerce and navigation, retaining its place on third reading of bills, to be reported within six days.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The bill entitled "An act in relation to the manufacture, quality and inspection of gas," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 13 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Aitken        | Dykeman    | Jacobs     | Mosher  | Springsted      |
| I. H. Babcock | Foley      | Judd       | Moulton | Strahan         |
| Badeau        | Fort       | Kennedy    | Murdock | Swain           |
| Beckwith      | Geib       | Kilian     | Niles   | D. Tomkins      |
| Bennett       | Goring     | Knapp      | Oakley  | M. M. Tompkins  |
| Berri         | Green      | Knettles   | Pierce  | Tucker          |
| E. E. Brown   | Gregory    | Lincoln    | Prince  | Twombly         |
| I. D. Brown   | Haight     | G. P. Lord | Ray     | A. L. Van Dusen |
| Buell         | Haughton   | Lott       | Rice    | W. J. Van Dusen |
| Burritt       | Herrick    | Loughran   | Roche   | West            |
| Campbell      | A. Hill    | Lynde      | Rose    | Whitaker        |
| Carroll       | Holdridge  | Mackay     | Sage    | Woodward        |
| Chambers      | Houghton   | Marcy      | Simson  | Woolsey         |
| Cook          | Hungerford | Moore      | Smith   | Wyman           |
| Crandall      | Husted     | Morton     | Sniper  | Yeomans         |
| Dunphy        | Hyatt      | Moseley    | Speaker |                 |

Those who voted in the negative, were

|          |               |             |             |        |
|----------|---------------|-------------|-------------|--------|
| Abbott   | D. L. Babcock | Chamberlain | A. L. Hayes | Smiley |
| Alberger | Buckley       | Davidson    | Lewis       | White  |
| Alvord   | Burns         | Greenhalgh  |             |        |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act granting the consent of the State of New York to the purchase by the United States of certain lands for the purpose of the erection of a custom-house, court-house, etc., at Albany, and ceding jurisdiction over the same," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

|          |          |           |        |            |
|----------|----------|-----------|--------|------------|
| Abbott   | Chambers | Herrick   | Lynde  | Sniper     |
| Aitken   | Cook     | A. Hill   | Mackay | Speaker    |
| Alberger | Crandall | Holdridge | Marcy  | Springsted |

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Alvord        | Davidson    | Houghton   | Moore   | Squires         |
| D. L. Babcock | Dunphy      | Hungerford | Morton  | Swain           |
| I. H. Babcock | Dykeman     | Husted     | Moseley | D. Tomkins      |
| Badeau        | Eastman     | Hyatt      | Mosher  | M. M. Tompkins  |
| Beckwith      | Foley       | Jacobs     | Moulton | Tucker          |
| Bennett       | Fort        | Judd       | Murdock | Twombly         |
| Berri         | Geib        | Kennedy    | Niles   | A. L. Van Dusen |
| E. E. Brown   | Goring      | Kilian     | Pierce  | W. J. Van Dusen |
| I. D. Brown   | Goss        | Knapp      | Prince  | West            |
| Buckley       | Green       | Knottles   | Rice    | White           |
| Buell         | Greenhalgh  | Lewis      | Roche   | Whitaker        |
| Burns         | Gregory     | Lincoln    | Rose    | Woodward        |
| Burritt       | Haight      | G. P. Lord | Sage    | Woolsey         |
| Campbell      | Hawkins     | Lott       | Simson  | Wyman           |
| Chamberlain   | A. L. Hayes | Loughran   | Smiley  |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to incorporate the Mosholu Division No. 208, Sons of Temperance," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 76 }  
{ NOES 2 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Abbott        | Cook        | Herrick    | Mackay  | Speaker         |
| Alberger      | Crandall    | Holdridge  | Marcy   | Springsted      |
| Alvord        | Davidson    | Houghton   | Moore   | Squires         |
| D. L. Babcock | Dunphy      | Hungerford | Moseley | Strahan         |
| I. H. Babcock | Dykeman     | Hyatt      | Murdock | Swain           |
| Badeau        | Fort        | Judd       | Niles   | D. Tomkins      |
| Beckwith      | Geib        | Kennedy    | Pell    | Tucker          |
| Bennett       | Goring      | Kilian     | Pierce  | A. L. Van Dusen |
| Berri         | Goss        | Knottles   | Prince  | W. J. Van Dusen |
| E. E. Brown   | Green       | Lewis      | Ray     | West            |
| I. D. Brown   | Greenhalgh  | Lincoln    | Sage    | White           |
| Buckley       | Gregory     | G. P. Lord | Simson  | Woodward        |
| Buell         | Haight      | Lott       | Smiley  | Woolsey         |
| Burns         | Hawkins     | Loughran   | Smith   | Wyman           |
| Burritt       | A. L. Hayes | Lynde      | Snyder  | Yeomans         |
| Campbell      |             |            |         |                 |

Those who voted in the negative, were

Chambers      Rose

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act authorizing and directing the surrogate of the county of Cattaraugus to distribute to the collateral next of kin of Sarah Denman her legacy under the last will and testament of her father, Ashbel Freeman, deceased, and also her distributive share as one of the next of kin of the estate of her deceased sister, Catharine Freeman," was read a third time.

Mr. Speaker put the question whether the Senate would agree to the final passage of said bill, when three-fifths of all the members not being present, said bill was laid aside.

{ AYES 69 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Abbott        | Eastman     | Kilian     | Osgood  | Springsted      |
| Alberger      | Fields      | Knapp      | Pell    | Squires         |
| Alvord        | Geib        | Knettles   | Pierce  | Swain           |
| D. L. Babcock | Goring      | Lewis      | Preston | D. Tomkins      |
| I. H. Babcock | Greenhalgh  | Lincoln    | Prince  | M. M. Tompkins  |
| Beckwith      | Haight      | Lippitt    | Ray     | Tucker          |
| E. E. Brown   | Hawkins     | G. P. Lord | Rice    | A. L. Van Dusen |
| I. D. Brown   | A. L. Hayes | Mackay     | Roche   | West            |
| Burritt       | Herrick     | Marcy      | Rose    | White           |
| Chamberlain   | Holdridge   | Moore      | Simson  | Whitaker        |
| Chambers      | Houghton    | Morton     | Smith   | Woodward        |
| Crandall      | Hungerford  | Moulton    | Sniper  | Woolsey         |
| Dunphy        | Judd        | Murdock    | Snyder  | Yeomans         |
| Dykeman       | Kennedy     | Oakley     | Speaker |                 |

The bill entitled "An act to authorize the city of Rochester to borrow money to pay off deficiencies arising from non-payment of taxes and assessments, and to issue its bonds for the payment thereof," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Abbott        | Crandall    | Hyatt      | Murdock | Speaker         |
| Aitken        | Davidson    | Judd       | Niles   | Springsted      |
| Alvord        | Dunphy      | Kennedy    | Oakley  | Squires         |
| D. L. Babcock | Dykeman     | Kilian     | Pell    | Strahan         |
| I. H. Babcock | Fort        | Knapp      | Pierce  | Swain           |
| Badeau        | Geib        | Knettles   | Preston | D. Tomkins      |
| Beckwith      | Goring      | Lewis      | Prince  | M. M. Tompkins  |
| Bennett       | Green       | Lincoln    | Ray     | Tucker          |
| Berri         | Greenhalgh  | G. P. Lord | Rice    | A. L. Van Dusen |
| E. E. Brown   | Gregory     | Loughran   | Roche   | W. J. Van Dusen |
| I. D. Brown   | Hawkins     | Lynde      | Rose    | West            |
| Buckley       | A. L. Hayes | Mackay     | Sage    | White           |
| Buell         | Herrick     | Moore      | Simson  | Woodward        |
| Burns         | Holdridge   | Morton     | Smiley  | Woolsey         |
| Burritt       | Houghton    | Moseley    | Smith   | Wyman           |
| Carroll       | Hungerford  | Mosher     | Sniper  | Yeomans         |
| Chambers      | Husted      | Moulton    |         |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize plank-road and turnpike companies formed under and by virtue of part 1st, chapter 18, title 1, article 5 of the Revised Statutes, to extend their charter or corporate existence," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.



{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Cook        | Herrick    | Moore      | Squires         |
| Aitken        | Crandall    | A. Hill    | Morton     | Strahan         |
| Alvord        | Davidson    | Holdridge  | Moseley    | Swain           |
| D. L. Babcock | Dunphy      | Houghton   | Mosher     | D. Tomkins      |
| I. H. Babcock | Dykeman     | Hungerford | Moulton    | M. M. Tompkins  |
| Badeau        | Eastman     | Husted     | Murdock    | Tucker          |
| Beckwith      | Foley       | Judd       | Pell       | A. L. Van Dusen |
| Bennett       | Fort        | Kennedy    | Pierce     | W. J. Van Dusen |
| Berri         | Geib        | Kilian     | Preston    | Wells           |
| E. E. Brown   | Goring      | Knapp      | Prince     | West            |
| I. D. Brown   | Goss        | Knettles   | Ray        | White           |
| Buckley       | Green       | Lewis      | Roche      | Whitaker        |
| Buell         | Greenhalgh  | Lincoln    | Rose       | Wiley           |
| Burns         | Gregory     | G. P. Lord | Simson     | Woodward        |
| Burritt       | Hawkins     | Loughran   | Smiley     | Woolsey         |
| Campbell      | A. L. Hayes | Mackay     | Speaker    | Wyman           |
| Chambers      | Healy       | Marcy      | Springsted | Yeomans         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the city of Rochester to borrow money to pay off its debt, incurred in the purchase of a site for a free academy, and to issue its bonds for the payment thereof," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted for the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Crandall    | Holdridge  | Moulton    | Strahan         |
| Aitken        | Davidson    | Houghton   | Pell       | Swain           |
| Alvord        | Dunphy      | Hungerford | Pierce     | D. Tomkins      |
| D. L. Babcock | Dykeman     | Husted     | Preston    | M. M. Tompkins  |
| I. H. Babcock | Eastman     | Hyatt      | Prince     | Tucker          |
| Badeau        | Fort        | Kilian     | Ray        | A. L. Van Dusen |
| Beckwith      | Geib        | Knapp      | Rice       | W. J. Van Dusen |
| Bennett       | Goring      | Knettles   | Rose       | Wells           |
| Berri         | Goss        | Lewis      | Sage       | West            |
| E. E. Brown   | Green       | Lincoln    | Simson     | White           |
| I. D. Brown   | Greenhalgh  | G. P. Lord | Smiley     | Whitaker        |
| Buell         | Gregory     | Mackay     | Smith      | Wiley           |
| Burns         | Hawkins     | Marcy      | Smyth      | Woodward        |
| Burritt       | A. L. Hayes | Moore      | Sniper     | Woolsey         |
| Carroll       | Herrick     | Morton     | Speaker    | Wyman           |
| Chambers      | A. Hill     | Moseley    | Springsted | Yeomans         |
| Couchman      | D. B. Hill  | Mosher     | Squires    |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to legalize the issue of certain bonds by the city of Rochester for the purpose of raising money for the relief of sufferers by the Chicago fire," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Abbott        | Davidson    | Hungerford | Pell    | Strahan         |
| Alvord        | Dunphy      | Hyatt      | Pierce  | Swain           |
| D. L. Babcock | Dykeman     | Kennedy    | Preston | D Tomkins       |
| I. H. Babcock | Eastman     | Kilian     | Prince  | M. M. Tompkins  |
| Badeau        | Fort        | Knapp      | Ray     | Tucker          |
| Beckwith      | Geib        | Knottles   | Roche   | A. L. Van Dusen |
| Bennett       | Goring      | Lincoln    | Rose    | W. J. Van Dusen |
| E. E. Brown   | Goss        | G. P. Lord | Sage    | Wells           |
| I. D. Brown   | Green       | Lynde      | Simson  | West            |
| Buell         | Gregory     | Mackay     | Smiley  | White           |
| Burritt       | A. L. Hayes | Moore      | Smith   | Whitaker        |
| Carroll       | Herrick     | Morton     | Smyth   | Wiley           |
| Chamberlain   | A. Hill     | Moseley    | Sniper  | Woodward        |
| Chambers      | D. B. Hill  | Mosher     | Snyder  | Woolsey         |
| Couchman      | Holdridge   | Moulton    | Speaker | Wyman           |
| Crandall      | Houghton    | Murdock    | Squires | Yeomans         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the city of Rochester to borrow money to pay off its present debt for Arsenal square improvement, and to issue its bonds for the payment of the same," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 76 }  
{ NOES 2 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Dunphy      | Holdridge  | Moulton    | Swain           |
| Alvord        | Dykeman     | Houghton   | Niles      | D. Tomkins      |
| D. L. Babcock | Eastman     | Hungerford | Ray        | M. M. Tompkins  |
| I. H. Babcock | Fort        | Hyatt      | Rice       | Tucker          |
| Badeau        | Geib        | Jacobs     | Roche      | A. L. Van Dusen |
| Beckwith      | Goring      | Judd       | Rose       | W. J. Van Dusen |
| Bennett       | Goss        | Kilian     | Sage       | Wells           |
| E. E. Brown   | Green       | Knapp      | Simson     | West            |
| I. D. Brown   | Greenhalgh  | Lincoln    | Smith      | White           |
| Buell         | Gregory     | G. P. Lord | Smyth      | Whitaker        |
| Burritt       | Hawkins     | Mackay     | Sniper     | Wiley           |
| Carroll       | A. L. Hayes | Moore      | Speaker    | Woodward        |
| Chambers      | Herrick     | Morton     | Springsted | Woolsey         |
| Couchman      | A. Hill     | Moseley    | Squires    | Wyman           |
| Crandall      | D. B. Hill  | Mosher     | Strahan    | Yeomans         |
| Davidson      |             |            |            |                 |

Those who voted in the negative, were

Murdock      Pell

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to repeal an act entitled 'An act in relation to the inspection of steam boilers in the State of New York, except in the Metropolitan police district,' passed June 22, 1867, and all acts amendatory thereof," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 74 }  
{ NOES 6 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Alvord        | Davidson    | Hungerford | Pell    | D. Tomkins      |
| D. L. Babcock | Dykeman     | Hyatt      | Pierce  | M. M. Tompkins  |
| I. H. Babcock | Eastman     | Kennedy    | Preston | Tucker          |
| Badeau        | Enos        | Kilian     | Prince  | A. L. Van Dusen |
| Beckwith      | Fort        | Knapp      | Rose    | W. J. Van Dusen |
| Bennett       | Geib        | Knettles   | Sage    | Wells           |
| E. E. Brown   | Green       | Lewis      | Simson  | West            |
| I. D. Brown   | Gregory     | Lincoln    | Smiley  | White           |
| Buell         | Hawkins     | G. P. Lord | Smith   | Whitaker        |
| Burns         | A. L. Hayes | Lynde      | Smyth   | Wiley           |
| Burritt       | Herrick     | Mackay     | Sniper  | Woodward        |
| Carroll       | A. Hill     | Moore      | Speaker | Woolsey         |
| Chamberlain   | D. B. Hill  | Morton     | Squires | Wyman           |
| Couchman      | Holdridge   | Moulton    | Strahan | Yeomans         |
| Crandall      | Houghton    | Murdock    | Swain   |                 |

Those who voted in the negative, were

|          |          |       |         |       |
|----------|----------|-------|---------|-------|
| Campbell | J. Hayes | Healy | Moseley | Roche |
| Dunphy   |          |       |         |       |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the village of Greenbush to issue bonds for the purpose of raising money," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Alvord        | Dunphy      | Hungerford | Murdock | Strahan         |
| D. L. Babcock | Dykeman     | Hyatt      | Oakley  | D. Tomkins      |
| I. H. Babcock | Eastman     | Jacobs     | Pell    | M. M. Tompkins  |
| Badeau        | Enos        | Kennedy    | Pierce  | Tucker          |
| Beckwith      | Fort        | Kilian     | Preston | A. L. Van Dusen |
| Bennett       | Fowler      | Knapp      | Ray     | W. J. Van Dusen |
| E. E. Brown   | Geib        | Knettles   | Rice    | Wells           |
| I. D. Brown   | Goring      | Lewis      | Roche   | West            |
| Buell         | Goss        | Lincoln    | Rose    | White           |
| Burns         | Gregory     | G. P. Lord | Sage    | Whitaker        |
| Burritt       | Hawkins     | Lynde      | Simson  | Wiley           |
| Carroll       | A. L. Hayes | Mackay     | Smith   | Woodward        |
| Chamberlain   | Healy       | Moore      | Smyth   | Woolsey         |
| Couchman      | Herrick     | Morton     | Sniper  | Wyman           |
| Crandall      | Holdridge   | Moseley    | Speaker | Yeomans         |
| Davidson      | Houghton    | Moulton    | Squires |                 |



*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the directors of the village of Kingston, in Ulster county, to issue bonds to pay the outstanding indebtedness of said village," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 2 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Davidson    | Houghton   | Oakley     | Squires         |
| Alvord        | Dunphy      | Hungerford | Pell       | Strahan         |
| D. L. Babcock | Dykeman     | Hyatt      | Pierce     | Swain           |
| I. H. Babcock | Foley       | Judd       | Preston    | D. Tomkins      |
| Badeau        | Fort        | Kilian     | Prince     | M. M. Tompkins  |
| Beckwith      | Fowler      | Knapp      | Ray        | Twombly         |
| Bennett       | Geib        | Knettles   | Rice       | A. L. Van Dusen |
| E. E. Brown   | Goring      | Lewis      | Roche      | W. J. Van Dusen |
| I. D. Brown   | Goss        | Lincoln    | Rose       | Wells           |
| Buell         | Greenhalgh  | G. P. Lord | Simson     | West            |
| Burns         | Gregory     | Mackay     | Smiley     | White           |
| Burritt       | Hawkins     | Moore      | Smith      | Whitaker        |
| Carroll       | A. L. Hayes | Morton     | Smyth      | Woodward        |
| Chamberlain   | Healy       | Moseley    | Sniper     | Woolsey         |
| Cook          | Herrick     | Moulton    | Speaker    | Wyman           |
| Crandall      | Holdridge   | Murdock    | Springsted | Yeomans         |

Those who voted in the negative, were

Mosher                  Sage

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 177 of the Laws of 1870, entitled 'An act to incorporate the village of Pittsford, county of Monroe, State of New York,' passed April 11, 1870," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |            |         |                 |
|---------------|----------|------------|---------|-----------------|
| Aitken        | Couchman | Holdridge  | Murdock | Springsted      |
| Alvord        | Davidson | Houghton   | Oakley  | Squires         |
| D. L. Babcock | Dunphy   | Hungerford | Pell    | Strahan         |
| I. H. Babcock | Dykeman  | Hyatt      | Pierce  | Swain           |
| Badeau        | Enos     | Judd       | Preston | D. Tomkins      |
| Beckwith      | Fort     | Kennedy    | Prince  | M. M. Tompkins  |
| Bennett       | Fowler   | Kilian     | Ray     | Twombly         |
| Blair         | Geib     | Knettles   | Rice    | A. L. Van Dusen |
| E. E. Brown   | Goring   | Lewis      | Roche   | W. J. Van Dusen |
| I. D. Brown   | Goss     | Lincoln    | Rose    | West            |
| Buell         | Gregory  | Lott       | Sage    | Whitbeck        |
| Burns         | Haight   | Mackay     | Simson  | White           |
| Burritt       | Haughton | Moore      | Smiley  | Whitaker        |

|             |             |         |         |          |
|-------------|-------------|---------|---------|----------|
| Campbell    | Hawkins     | Morton  | Smith   | Woodward |
| Carroll     | A. L. Hayes | Moseley | Smyth   | Woolsey  |
| Chamberlain | Healy       | Mosher  | Sniper  | Wyman    |
| Cook        | Herrick     | Moulton | Speaker | Yeomans  |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to authorize Dodge and Stevenson Manufacturing Company to issue preferred stock," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 69 }  
{ NOES 8 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Chamberlain | Herrick    | Mosher     | Squires         |
| Alvord        | Couchman    | Holdridge  | Moulton    | Strahan         |
| D. L. Babcock | Crandall    | Houghton   | Murdock    | Swain           |
| I. H. Babcock | Davidson    | Hungerford | Paige      | D. Tomkins      |
| Badeau        | Dunphy      | Husted     | Pierce     | M. M. Tompkins  |
| Beckwith      | Dykeman     | Kennedy    | Preston    | A. L. Van Dusen |
| Bennett       | Enos        | Kilian     | Prince     | W. J. Van Dusen |
| E. E. Brown   | Fort        | Knapp      | Rice       | Wells           |
| I. D. Brown   | Fowler      | Knottles   | Sage       | White           |
| Buckley       | Geib        | Lewis      | Smith      | Whitaker        |
| Buell         | Goss        | Marcy      | Smyth      | Woodward        |
| Burns         | Green       | Moore      | Sniper     | Woolsey         |
| Burritt       | Gregory     | Morton     | Speaker    | Yeomans         |
| Carroll       | Hawkins     | Moseley    | Springsted |                 |

Those who voted in the negative, were

|       |             |      |      |       |
|-------|-------------|------|------|-------|
| Blair | A. L. Hayes | Pell | Rose | Wyman |
| Cook  | Mackay      | Ray  |      |       |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

Mr. Alvord moved that the Sergeant-at-Arms be instructed to proceed to the Senate and invite members to return to this chamber.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The Senate bill entitled "An act to amend an act entitled 'An act to amend an act to incorporate the Savings Bank of the city of Utica,' passed April 26, 1839, passed April 11, 1870," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 81 }  
{ NOES 2 }

Those who voted in the affirmative, were

|               |          |            |         |            |
|---------------|----------|------------|---------|------------|
| Alberger      | Crandall | Healy      | Moseley | Speaker    |
| Alvord        | Davidson | Herrick    | Mosher  | Springsted |
| D. L. Babcock | Dunphy   | Holdridge  | Moulton | Squires    |
| I. H. Babcock | Dykeman  | Houghton   | Murdock | Strahan    |
| Badeau        | Enos     | Hungerford | Oakley  | Swain      |
| Beckwith      | Flammer  | Husted     | Paige   | D. Tomkins |

|             |             |          |        |                 |
|-------------|-------------|----------|--------|-----------------|
| Bennett     | Fort        | Kennedy  | Pell   | M. M. Tompkins  |
| Blair       | Fowler      | Kilian   | Pierce | Twombly         |
| E. E. Brown | Geib        | Knapp    | Prince | A. L. Van Dusen |
| I. D. Brown | Goring      | Knettles | Ray    | W. J. Van Dusen |
| Buell       | Goss        | Lewis    | Rice   | Wells           |
| Burns       | Green       | Lincoln  | Sage   | West            |
| Burritt     | Gregory     | Lott     | Simson | White           |
| Campbell    | Haight      | Mackay   | Smith  | Woodward        |
| Chamberlain | Haughton    | Marcy    | Smith  | Woolsey         |
| Chambers    | A. L. Hayes | Morton   | Sniper | Wyman           |
| Cook        |             |          |        |                 |

Those who voted in the negative, were

Rose                      Whitaker

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to extend the time for the collection of taxes in the towns of Jamaica, Hempstead, North Hempstead and Oyster Bay, county of Queens," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 90 }  
{ NOES 00 }

Those who voted in the affirmative, were

|             |          |            |         |                 |
|-------------|----------|------------|---------|-----------------|
| Abbott      | Couchman | D. B. Hill | Mosher  | Speaker         |
| Aitken      | Crandall | Holdridge  | Moulton | Springsted      |
| Alberger    | Davidson | Houghton   | Murdock | Squires         |
| Alvord      | Dunphy   | Hungerford | Oakley  | Strahan         |
| Badeau      | Dykeman  | Hyatt      | Paige   | Swain           |
| Beckwith    | Eastman  | Kennedy    | Pell    | D. Tomkins      |
| Bennett     | Enos     | Kilian     | Pierce  | M. M. Tompkins  |
| Blair       | Flammer  | Knapp      | Preston | Twombly         |
| E. E. Brown | Foley    | Knettles   | Prince  | A. L. Van Dusen |
| I. D. Brown | Fort     | Lewis      | Ray     | W. J. Van Dusen |
| Buckley     | Fowler   | Lincoln    | Rice    | Wells           |
| Buell       | Geib     | Lott       | Roche   | West            |
| Burns       | Goring   | Lynde      | Rose    | White           |
| Burritt     | Goss     | Mackay     | Sage    | Whitaker        |
| Campbell    | Green    | Marcy      | Simson  | Woodward        |
| Chamberlain | Gregory  | Moore      | Smith   | Woolsey         |
| Chambers    | Haight   | Morton     | Smyth   | Wyman           |
| Cook        | Healy    | Moseley    | Sniper  | Yeomans         |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to relieve juvenile delinquents from certain disqualifications," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 84 }  
{ NOES 5 }

Those who voted in the affirmative, were

|          |         |         |        |            |
|----------|---------|---------|--------|------------|
| Abbott   | Enos    | Jacobs  | Oakley | Springsted |
| Alberger | Flammer | Kennedy | Paige  | Squires    |
| Alvord   | Fort    | Kilian  | Pell   | Strahan    |



|               |             |           |         |                 |
|---------------|-------------|-----------|---------|-----------------|
| I. H. Babcock | Fowler      | Kingsland | Pierce  | Swain           |
| Badeau        | Geib        | Knapp     | Preston | D. Tomkins      |
| Beckwith      | Goss        | Knettles  | Prince  | M. M. Tompkins  |
| E. E. Brown   | Gregory     | Lewis     | Ray     | Twombly         |
| Buckley       | Haight      | Lincoln   | Rice    | A. L. Van Dusen |
| Burns         | Haughton    | Lott      | Roche   | W. J. Van Dusen |
| Burritt       | Hawkins     | Loughran  | Rose    | Wells           |
| Chamberlain   | A. L. Hayes | Lynde     | Sage    | West            |
| Cook          | Healy       | Mackay    | Simson  | White           |
| Crandall      | A. Hill     | Marcy     | Smiley  | Woodward        |
| Davidson      | Holdridge   | Moore     | Smith   | Woolsey         |
| Dunphy        | Houghton    | Morton    | Smyth   | Wyman           |
| Dykeman       | Husted      | Moulton   | Sniper  | Yeomans         |
| Eastman       | Hyatt       | Murdock   | Speaker |                 |

Those who voted in the negative, were

|        |             |       |       |         |
|--------|-------------|-------|-------|---------|
| Aitken | I. D. Brown | Buell | Green | Moseley |
|--------|-------------|-------|-------|---------|

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

Mr. Crandall presented a petition of residents and property holders in reference to opening Forty-third street between Second and Third avenues in New York city; which was read and referred to the committee on the affairs of cities.

Mr. Houghton presented two remonstrances of J. H. White and others against widening East Congress street, Saratoga Springs; which were read and referred to the committee on the affairs of villages.

Mr. Judd presented the petition of Staten Islanders praying for a metropolitan police; which was read and referred to the committee on internal affairs.

Mr. D. Tomkins presented the petition of David S. Blauvelt and twenty-seven others to amend the act in relation to highways in the county of Rockland, passed April 26, 1871, chapter 730 of the Laws of 1871; which was read and referred to the committee on roads and bridges.

Messrs. Lott, Fowler, Buckley, Lewis, D. B. Hill, Davidson and Knettles, severally, presented remonstrances of citizens from different parts of the State against the repeal of the Erie classification act and legislative interference with the management of the Erie railway; which were read and committed to the committee of the whole.

Messrs. Hungerford, Crandall and Smiley, severally, presented petitions in favor of local prohibition of the sale of intoxicating liquors; which were read and committed to the committee of the whole.

Mr. Judd presented the petition of the tax-payers of the village of Edgewater for amendments to the village charter; which was read and committed to the committee of the whole.

Mr. Twombly presented the remonstrance of residents and property owners against the proposed railroad through Twenty-third street, Fifth avenue, Washington square, etc., in New York city; which was read and referred to the committee on railroads.

Mr. Fort presented a petition of citizens of the city of Oswego for amendment of an act to provide for an election of police commissioners in the city of Oswego, and to organize a police department therein, and to amend the charter of said city, passed April 16, 1870; which was read and referred to the committee on the affairs of cities.

Mr. Pell presented a certified copy of a remonstrance against widening

of Nassau street, in the city of New York; which was read and referred to the committee on the affairs of cities.

Mr. Moseley presented the petition of Mary M. Imhorst to obtain release of certain property; which was read and referred to the committee on petitions of aliens.

Mr. Rice presented the remonstrance of the citizens of the town of Danube, Herkimer county, against the passage of an act authorizing the town auditors to decide on claims against said town; which was read and referred to the committee on internal affairs.

Mr. Lynde presented the petition of J. C. Mould and 213 legal voters of the town of Norfolk for the passage of an act legalizing the acts of a recent town meeting in the purchase of a town house for said town; which was read and referred to the committee on internal affairs.

Mr. Flammer presented the petition of Joseph Cudlipp and others in reference to all of their lands under direction of supreme court; which was read and referred to the committee on the judiciary.

Mr. Goss presented the petition of citizens of Pittsford, county of Monroe, asking for a law compelling certain railroad companies to appoint watchmen at railroad crossings; which was read and referred to the committee on railroads.

Mr. Morton presented the petition of citizens and tax-payers of Brooklyn for the passage of the bill now before the Assembly, calling a convention to revise the laws relating to the city of Brooklyn and county of Kings; which was read and referred to the committee on the affairs of cities.

Mr. White presented two remonstrances against the construction of a railroad under Atlantic avenue, in the city of Brooklyn; which were read and referred to the committee on railroads.

Mr. Houghton presented the petition of numerous citizens of Hadley, Day and Edinburgh, in Saratoga county, asking for an appropriation of \$2,000 for roads and bridges in said county; which was read and referred to the committee on ways and means.

Mr. White presented a remonstrance of twenty exempt firemen of the city of Brooklyn against the passage of an act to incorporate the Exempt Firemen's Association of the western district of the city of Brooklyn; which was read and referred to the committee on the affairs of cities.

Also, a petition of citizens of the city and town of Newburgh, asking for the repeal of an act passed May 2, 1868, amending an act passed in 1801, establishing a turnpike between Newburgh and Cohecton; which was read and referred to the committee on roads and bridges.

Mr. Wells presented the petition of citizens of the counties of Wayne and Seneca for an act to remove obstructions from Cayuga lake and the channel of the Seneca river; which was read and referred to the committee on ways and means.

Mr. Hart presented the petition of Eugene Sullivan for an appropriation to build 500 feet of vertical wall on the berm bank of the Erie canal, near Albion, Orleans county, New York; which was read and referred to the committee on canals.

Mr. Springsted presented two petitions for exempting mortgages from tax when the interest does not exceed five per cent; which was read and referred to the committee on ways and means.

Messrs. Moseley, Roche, Aitken, Jacobs, Morton, Bennett and White, presented seven petitions of tax-payers of Brooklyn for increase of pay



of firemen, stoker and driver of Brooklyn fire department; which was read and referred to the committee on the affairs of cities.

Messrs. Goss and A. Hill presented two petitions of citizens of different parts of the State relating to military exemptions; which were read and referred to the committee on the militia.

Mr. Moulton presented the petition of property owners and tax-payers of the city of New York, in relation to the Fourth avenue railroad in that city; which was read and referred to the committee on railroads.

Mr. Strahan presented the petition of citizens of Cornwall, Orange county, in relation to the rates charged for freight on the railroads in the State; which was read and referred to the committee on railroads.

Mr. A. L. Van Dusen, from the committee on engrossed bills, reported as correctly re-engrossed the bills entitled as follows:

"An act in relation to the establishment and care of a cemetery by the village of Geneva, Ontario county, and to provide means for the same."

"An act granting jurisdiction to the United States over a certain piece of land within this State, to be occupied as a site for offices and store-houses, in the construction, repair and maintenance of a pier, for the formation of a harbor at Oswego, New York."

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to incorporate Saint Catherine's Hall," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the county clerk of Montgomery county to sign the certificate of record of deeds and mortgages and other records, or of filing of papers recorded or filed in Montgomery county clerk's office, which were not signed by the former clerk of said county of Montgomery," reported in favor of the passage of the same with amendments; which report was agreed to and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to legalize and confirm the official acts of William H. Ireland, a justice of the peace of the town of Coventry, in the county of Chenango," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was recommended the bill entitled "An act for the protection of livery stable keepers and keepers of horses at riding academies," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to dower and to actions and proceedings for recovery of dower," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the Senate bill entitled "An act for the protection of tax-payers against the frauds, embezzlements and wrongful acts of public officers and agents," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.



Mr. Prince, from the committee on the judiciary, to which was referred the Senate bill entitled "An act in relation to petit jurors for the county courts and courts of sessions, in the county of Westchester," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act to authorize the Canal Commissioners to construct a bridge over the Erie canal at Austin street, in the city of Buffalo, and to provide the means therefor," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the Canal Commissioners to construct a swing bridge over the Erie canal on Buffalo street, in the city of Rochester, and to use the materials of the old bridge in constructing a bridge over said canal to connect Munger and Averill streets in said city,' passed April 7, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act authorizing the Canal Commissioners to settle for work done under the contract for raising the towing-path on sections Nos. 12, 13, 16, 22 and 23 of the extension of the Chenango canal," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act to repeal chapter 668 of Laws of 1871, entitled 'An act to provide for the payment of counsel required to be employed on behalf of the State, in pursuance of the provisions of section 2, chapter 321 of Laws of 1870,'" reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Mr. Fort, from the committee on canals, to which was referred the Senate bill entitled "An act to repeal chapter 321 of the Laws of 1870, entitled 'An act to provide for the appraisal of canal claims against the State,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act to repeal chapter 321, Laws of 1870, entitled 'An act to provide for the appraisal of canal claims against said State,'" reported adversely thereto; which report was agreed to, a similar act having passed the Senate and been reported to the House.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act to increase the appropriation for constructing a swing bridge over the Erie canal on Buffalo street, in the city of Rochester, and for the construction of a bridge over the Erie canal to connect Averill and Munger streets in said city," reported adversely thereto; which report was agreed to.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend chapter 65 of Laws of 1871, entitled 'An act to revise and consolidate the Laws in relation to the village of Geneva, etc., in the county of Ontario,' passed March 3, 1871," reported in favor of the passage of the same with amendments; which

report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to authorize the laying out, opening and working of a public highway in the village of Canandaigua, Orleans county, and raising money to defray the expenses of working said highway," reported in favor of the passage of the same which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was recommended the bill recalled from the Governor for amendment, entitled "An act to extend the provisions of chapter 113 of the Laws of the year 1853, entitled 'An act declaring Indian river a public highway,'" reported in favor of the passage of the same, with amendments.

*Ordered,* That said report be laid on the table.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the McClintock Association of the city of New York," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring from the committee on charitable and religious societies, to which was referred the bill entitled "An act to authorize the Ira Union Cemetery Association to acquire title to certain lands on lots No. 12 and No. 24 of the original township of Cato, now Ira, in the county of Cayuga," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act in relation to the Sea Cliff Grove and Metropolitan Camp Ground Association," reported in favor of the passage of the same with an amendment; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to provide for the dissolution of religious societies, and for the sale and disposition of the proceeds of the property of such societies," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the Society of St. Vincent de Paul, in the city of New York," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the Senate bill entitled "An act to amend 'An act to incorporate the Young Men's Christian Association of the city of Schenectady,' passed April 28, 1871," reported in favor of the passage of the same with an amendment; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the Senate bill entitled "An act for the relief of certain religious societies in the county of Kings," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.



Mr. Goring, from the committee on charitable and religious societies, to which was referred the Senate bill entitled "An act to amend and in addition to 'An act to incorporate the New England Society, in the city of New York,' passed April 15, 1833," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the Senate bill entitled "An act to incorporate the Young Men's Christian Association of the town of New Utrecht," reported in favor of the passage of the same, with an amendment; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the Senate bill entitled "An act to confirm and make valid the title of the Evangelical Lutheran St. John's Church Unaltered Augsburg Confession, in the city and county of New York, to certain real estate occupied by it in said city," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Mr. Squires, from the committee on banks, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the New Paltz Savings Bank,' passed March 22, 1871," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Squires, from the committee on banks, to which was referred the bill entitled "An act of incorporation of the Port Richmond Savings Bank," reported in favor of the passage of the same with amendments; and title amended so as to read "An act to incorporate the Port Richmond Savings Bank," which report was agreed to and said bill committed to the committee of the whole.

Mr. Squires, from the committee on banks, to which was referred the bill entitled "An act to incorporate the New York Loan and Real Estate Company," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Squires, from the committee on banks, to which was referred the bill entitled "An act to incorporate the North Side Savings Bank," reported adversely thereto, which report was agreed to.

Mr. Squires, from the committee on banks, to which was referred the bill entitled "An act to incorporate the Marlborough Savings Bank, in the county of Ulster," reported adversely thereto, which report was agreed to.

Mr. Squires, from the committee on banks, to which was referred the bill entitled "An act to incorporate the Long Island City Savings Bank, in Long Island City," reported adversely thereto, which report was agreed to.

Mr. Squires, from the committee on banks, to which was referred the bill entitled "An act to incorporate the Astoria Savings Bank of Long Island City," reported adversely thereto, which report was agreed to.

Mr. Squires, from the committee on banks, to which was referred the bill entitled "An act to incorporate the Newtown Savings Bank in the town of Newtown, Queens county," reported adversely thereto, which report was agreed to.

Mr. Squires, from the committee on banks, to which was referred the Senate bill entitled "An act to amend an act entitled 'An act to incorpo-



rate National Trust Company of the city of New York,' passed April 19, 1867," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Squires, from the committee on banks, to which was referred the Senate bill entitled "An act to incorporate the Walden Savings Bank," reported adversely thereto for the reason that said bill has not been introduced in the manner provided by the provisions of an act entitled "An act to regulate and restrict the organization of savings banks and institutions for savings, passed April 16, 1869."

Mr. Strahan moved to disagree with the report of the committee, and refer said bill to the committee of the whole.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Swain, from the committee on agriculture, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend article four of title four chapter eleven, part first of the Revised Statutes of divisions and other fences,'" reported in favor of the passage of the same, which report was agreed to and said bill committed to the committee of the whole.

Mr. Swain, from the committee on agriculture, to which was referred the petition of officers and stockholders of Palmyra Union Agricultural Society, reported by bill entitled "An act providing for the division of moneys appropriated for the promotion of agriculture in Wayne county," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. G. P. Lord, from the committee on public education, to which was referred the bill amending an act incorporating the Rochester Industrial School, passed April 15, 1857, reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. G. P. Lord, from the committee on public education, to which was referred the bill entitled "An act to repeal an act to legalize the acts of the inhabitants of school districts Nos. 1, 2, 5 and 9 in the town of Wilson, in the county of Niagara, in forming a union free school district, and the official acts of the board of education therein," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lott, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act making appropriations for the support of government."

Mr. G. P. Lord, from the committee on public education, to which was referred the bill entitled "An act to authorize union free school district No. 1, town of Moreau, Saratoga county to change its organization to school district No. 10," reported in favor of the passage of the same with amendments, and have amended the title so as to read "An act for the relief of the inhabitants of union school district No. 1 in town of Moreau, in the county of Saratoga;" which report was agreed to, and said bill committed to the committee of the whole.

Mr. Mackay, from the committee on the militia, to which was referred the bill entitled "An act to provide suitable testimonials for each officer and soldier who served during the war of the rebellion," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to incorporate the Mechanicsville Bridge Company for the purpose of constructing and maintaining a bridge over the Hudson river between the village of Mechanicsville and the town of Schaghticoke," reported in favor of the passage of the same with amendments; which report was agreed to and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to repeal chapter 776 of the Laws of 1868, entitled "An act to vest certain real estate belonging to the State in the town of Marlborough, Ulster county, and to establish a public highway," passed May 9, 1868," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend an act in relation to the Albany and Schenectady Turnpike Road Company," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince moved that the vote agreeing to the adverse report of the committee on banks on the bill entitled "An act to incorporate the Long Island City Savings Bank in Long Island City," be reconsidered, and that said motion be laid on the table.

Mr. Speaker put the question whether the House would agree to said motion to lay on the table, and it was determined in the affirmative.

The bill entitled "An act making appropriations for the support of government," having been announced for a third reading,

Mr. I. D. Brown moved that said bill be recommitted to the committee on ways and means, with instructions to reduce the appropriations to the normal schools of the State, except the one at Albany, from \$18,000 to \$10,000.

Mr. Speaker put the question whether the House would agree to said motion of Mr. I. D. Brown, and it was determined in the negative.

{ AYES 48 }  
{ NOES 51 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Chamberlain | Houghton   | Rice       | A. L. Van Dusen |
| Aitken        | Couchman    | Hungerford | Sage       | Vedder          |
| I. H. Babcock | Eastman     | Hyatt      | Smith      | Wells           |
| Badeau        | Flammer     | Lincoln    | Smyth      | White           |
| Bennett       | Foley       | Loughran   | Speaker    | Whitaker        |
| Blair         | Gregory     | Mackay     | Springsted | Wiley           |
| E. E. Brown   | Haight      | Moseley    | Swain      | Woodward        |
| I. D. Brown   | Herrick     | Osgood     | D. Tomkins | Woolsey         |
| Buckley       | A. Hill     | Pierce     | Tucker     | Yeomans         |
| Campbell      | Holdridge   | Prince     |            |                 |

Those who voted in the negative, were

|          |        |            |         |                |
|----------|--------|------------|---------|----------------|
| Alberger | Dunphy | Healy      | Lynde   | Ray            |
| Alvord   | Fields | D. B. Hill | Marcy   | Rose           |
| Beckwith | Fort   | Husted     | Moore   | Simson         |
| Buell    | Fowler | Jacobs     | Morton  | Smiley         |
| Burns    | Geib   | Judd       | Mosher  | Sniper         |
| Burritt  | Goring | Kennedy    | Moulton | Strahan        |
| Carroll  | Goss   | Kilian     | Oakley  | M. M. Tompkins |

|          |          |          |         |                 |
|----------|----------|----------|---------|-----------------|
| Chambers | Green    | Knettles | Paige   | Twombly         |
| Cook     | Haughton | Lewis    | Pell    | W. J. Van Dusen |
| Crandall | Hawkins  | Lott     | Preston | West            |
| Davidson |          |          |         |                 |

Said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 4 }

Those who voted in the affirmative, were

|               |          |            |         |                 |
|---------------|----------|------------|---------|-----------------|
| Alberger      | Couchman | D. B. Hill | Oakley  | Springsted      |
| Alvord        | Crandall | Holdridge  | Paige   | Strahan         |
| I. H. Babcock | Davidson | Houghton   | Pell    | Swain           |
| Badeau        | Dunphy   | Hungerford | Pierce  | D. Tomkins      |
| Beckwith      | Fields   | Husted     | Preston | M. M. Tompkins  |
| Bennett       | Flammer  | Jacobs     | Prince  | Tucker          |
| Blair         | Foley    | Judd       | Ray     | Twombly         |
| E. E. Brown   | Fort     | Kilian     | Rice    | A. L. Van Dusen |
| I. D. Brown   | Fowler   | Lewis      | Rose    | W. J. Van Dusen |
| Buckley       | Goring   | Lincoln    | Sage    | Wells           |
| Buell         | Goss     | Lott       | Simson  | West            |
| Burns         | Green    | Loughran   | Smiley  | White           |
| Burritt       | Gregory  | Mackay     | Smith   | Whitaker        |
| Campbell      | Hawkins  | Marcy      | Smyth   | Woodward        |
| Chamberlain   | Healy    | Moore      | Sniper  | Woolsey         |
| Chambers      | Herrick  | Morton     | Speaker | Yeomans         |
| Cook          | A. Hill  | Moulton    |         |                 |

Those who voted in the negative, were

|        |         |        |       |
|--------|---------|--------|-------|
| Aitken | Moseley | Mosher | Roche |
|--------|---------|--------|-------|

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act authorizing and directing the surrogate of the county of Cattaraugus to distribute to the collateral next of kin of Sarah Denman her legacy under the last will and testament of her father, Ashbell Freeman, deceased, and also her distributive share as one of the next of kin of the estate of her deceased sister, Catharine Freeman," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |          |         |                |
|---------------|----------|----------|---------|----------------|
| Abbott        | Davidson | Husted   | Moulton | Speaker        |
| Aitken        | Dunphy   | Hyatt    | Niles   | Springsted     |
| Alvord        | Flammer  | Jacobs   | Oakley  | Strahan        |
| I. H. Babcock | Fort     | Judd     | Paige   | Swain          |
| Badeau        | Fowler   | Kennedy  | Pierce  | D. Tomkins     |
| Beckwith      | Geib     | Kilian   | Preston | M. M. Tompkins |
| Bennett       | Goring   | Knettles | Prince  | Tucker         |
| E. E. Brown   | Goss     | Lewis    | Ray     | Twombly        |



|             |             |          |        |          |
|-------------|-------------|----------|--------|----------|
| I. D. Brown | Green       | Lincoln  | Rice   | Vedder   |
| Buckley     | Gregory     | Lott     | Roche  | Wells    |
| Buell       | Hawkins     | Loughran | Rose   | West     |
| Burritt     | A. L. Hayes | Lynde    | Sage   | White    |
| Carroll     | Herrick     | Mackay   | Simson | Whitaker |
| Chamberlain | A. Hill     | Marcy    | Smiley | Wiley    |
| Chambers    | D. B. Hill  | Moore    | Smith  | Woodward |
| Cook        | Holdridge   | Morton   | Smyth  | Woolsey  |
| Couchman    | Houghton    | Moseley  | Sniper | Yeomans  |
| Crandall    | Hungerford  |          |        |          |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Springsted introduced a bill entitled "An act to amend chapter 291 of the Laws of 1870, entitled 'An act for the incorporation of villages,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. D. B. Hill introduced a bill entitled "An act to provide for fair grounds in the county of Chemung," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

Mr. Goring introduced a bill entitled "An act to equalize representation in the several boards of supervisors in this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Buell introduced a bill entitled "An act to encourage the construction of a railroad from the town of Edinburgh, Saratoga county, to the Mohawk valley," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. White introduced a bill entitled "An act to lay out, extend and improve Rush street, in the Nineteenth ward of the city of Brooklyn, and to alter the commissioners' map of said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Aitken introduced a bill entitled "An act to widen and improve a portion of Fifteenth street, in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Bennett introduced a bill entitled "An act to limit the price of illuminating gas in the cities of New York and Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trade and manufactures.

Mr. Moseley introduced a bill entitled "An act to widen part of Nevins street, in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Roche introduced a bill entitled "An act to provide for the adjusting of certain accounts of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Jacobs introduced a bill entitled "An act to amend an act passed May 11, 1869, entitled 'An act to lay out and improve a public highway or avenue from Prospect park, in the city of Brooklyn, toward Coney Island, in the county of Kings,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Smiley introduced a bill entitled "An act to revise and amend an act entitled 'An act to construct a road from Carthage, in Jefferson county, to Lake Champlain, in the county of Essex,' passed April 14, 1841," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Kennedy introduced a bill entitled "An act to amend an act of the Legislature of the State of New York, entitled 'An act regulating the sale of intoxicating liquors,' passed April 11, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Hawkins introduced a bill entitled "An act in relation to elections in the city and county of New York, and to provide for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage thereat," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Fields moved that said bill be referred to the committee on the judiciary.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Campbell introduced a bill entitled "An act to regulate the rates of fare and freight on the South Side railroad of Long Island and its branches," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Geib introduced a bill entitled "An act relating to the mounted batteries of artillery of the National Guard," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on militia.

Mr. Geib introduced a bill entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,' passed April 2, 1850," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Twombly introduced a bill entitled "An act in relation to fees of jurors in courts of record in the city of New York, and in relation to the calendars of such courts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Flammer introduced a bill entitled "An act to amend the charter of the Orphan Asylum Society in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Paige introduced a bill entitled "An act for the protection of livery stable keepers and other persons keeping horses at livery or pasture," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Flammer introduced a bill entitled "An act relative to lands bequeathed by the last will and testament of Joseph Cudlipp, deceased, to Joseph Cudlipp, Annie M. Walsh, Sarah C. Cudlipp and Elizabeth A. O'Keefe, for and during their natural lives," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.



Also, a bill entitled "An act requiring all questions of negligence in actions brought to recover damages for death or personal injury, by wrongful act, neglect or default, to be submitted to a jury," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to regulate and grade Forty-third street from Second to Third avenues, in the city of New York, and to regulate the assessments for such improvements," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to regulate the marriage of parties who have been divorced," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act relative to the medical laws of the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

Mr. Blair introduced a bill entitled "An act authorizing the appointment of a State inspector of cattle, to be located in the city of Buffalo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

Mr. I. H. Babcock introduced a bill entitled "An act to authorize the Lockport Home for the Friendless to contract with the county of Niagara for the care and support of poor children of said county, and as to the trustees of said society," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Alvord introduced a bill entitled "An act granting the right to Jonathan W. Child, Edward Backus and their associates to propel boats or floats on the canals of the State by a traction wheel," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Strahan introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the Newburgh Savings Bank,' passed April 13, 1852," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Mr. Fort introduced a bill entitled "An act to authorize the city of Oswego to borrow and disburse moneys for city purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Green introduced a bill entitled "An act for the relief of Daniel G. Hewitt," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

Mr. Prince introduced a bill entitled "An act to regulate the running of railroad trains over crossings of tracks, the grades of which are common to two railroads," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act to amend an act entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State, known as the 'Code of Procedure,'" which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the judiciary.



Also, a bill entitled "An act to incorporate the New York and Queens County Bridge Company, for the purpose of constructing and maintaining a bridge over the East river between the city of New York and the county of Queens," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Also, a bill entitled "An act to authorize the formation of corporations to provide the members thereof with homesteads, or lots of land suitable for homesteads," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Judd introduced a bill entitled "An act to amend an act to reorganize the warden's office of the port of New York, passed April 14, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Also, a bill entitled "An act to amend section 399 of the act entitled 'An act to amend the act entitled An act to simplify and abridge the practice, pleadings and proceedings of the courts of this State, passed April 12, 1848,' passed April 11, 1849," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to incorporate the Staten Island and New Jersey Ferry Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Also, a bill entitled "An act to establish a rifle range, and to promote skill in markmanship among the National Guard," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the militia.

Mr. D. Tomkins introduced a bill entitled "An act to amend section 7 of chapter 730 of the Laws of 1871, entitled 'An act in relation to highways in the county of Rockland,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Husted presented a bill entitled "An act to incorporate the Peekskill Ferry Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Also, a bill entitled "An act to re-enact and amend chapter 125 of the Laws of 1851, entitled 'An act to incorporate the Minisceongo Ferry Company, in the county of Rockland,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. G. D. Lord introduced a bill entitled "An act to supply the city of Rochester with pure and wholesome water," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Niles introduced a bill entitled "An act to authorize the towns of Westchester and West Farms to lay out and construct a public road," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Also, a bill entitled "An act relative to the widening, straightening, laying out and working of the Boston Post road, Fordham avenue and

the Kings bridge road, in the town of West Farms, in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Also, a bill entitled "An act to authorize the board of trustees of the village of Yonkers to establish, extend, construct, acquire and maintain a public wharf, pier or dock, and to provide approaches to the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Also, a bill entitled "An act to authorize the board of town officers of the town of West Farms, in the county of Westchester to issue certificates of indebtedness," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act to amend an act entitled 'An act to authorize the village of Yonkers to issue bonds for the purpose of raising money to construct bridges over the Nepperhan river,' passed April 19, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Badeau introduced a bill entitled "An act to amend an act entitled 'An act to authorize the trustees of the village of White Plains, in the county of Westchester, to regulate, grade, macadamize or pave Railroad avenue in said village, passed April 19, 1871,' and for the protection of the pavement on the said street or avenue," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Also, a bill entitled "An act to amend the charter of the village of White Plains, in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Also, a bill entitled "An act to authorize the board of supervisors of the county of Westchester to purchase City Island bridge (so called) in said county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Davidson introduced a bill entitled "An act in relation to the service of notices by publication," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Vedder introduced a bill entitled "An act to amend an act entitled 'An act to amend title 16, chapter 8, part 3 of the Revised Statutes, relative to proceedings for the draining of swamps, marshes and other low or wet lands,' passed May 12, 1869, and the act amending the same, passed April 5, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Simson introduced a bill entitled "An act to empower the levying of a tax on union school district No. 1 in the town of Clarence, county of Erie, for the purpose of creating a permanent fund for the employment of teachers, and to regulate the investment and management of said fund, also, to create the office of loan commissioner for said district, and to provide for the exemption of said district from taxes for the pay-



ment of teachers' wages," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

Mr. I. D. Brown introduced a bill entitled "An act to amend the Revised Statutes entitled 'of public instruction,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

Mr. Carroll introduced a bill entitled "An act to regulate the rates of conveyance of passengers and property on the Rome, Watertown and Ogdensburgh railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

On motion of Mr. Moulton,

*Resolved*, That the report of the board of health of the city of New York made to this House on the 11th instant, in pursuance of resolution calling for the same, be taken from the table and referred to the committee on public health, with bill annexed.

On motion of Mr. Alvord, at 2 o'clock and 35 minutes, the House adjourned.

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## THURSDAY, MARCH 14, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Marshall.

The journal of yesterday was read and approved.

The Senate returned the bills entitled as follows:

"An act to release the interest of the people of the State of New York in and to certain lands in Sullivan county to Henry Eisner."

"An act granting jurisdiction to the United States over a certain piece of land within this State, to be occupied as a site for offices and store-houses, in the construction, repair and maintenance of a pier, for the formation of a harbor, at Oswego, New York."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate returned the bill entitled "An act to supply the deficiency in the appropriation to pay the expenses of the superintendence, ordinary repairs and maintenance of the canals for the remainder of the fiscal year which commenced on the first day of October, 1871, and to regulate the manner of drawing warrants by the Auditor of the Canal Department upon the treasurer," with a message informing of concurrence in the passage of the same.

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Bemus offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That a special committee of seven be appointed by this House to inquire into and take evidence and report to this House as to whether there are combinations and agreements between railroad companies making unlawful discriminations and regulations as to carrying freights, and particularly as to all agreements and combinations between any and all railroad companies in this State and the company known as the South



Improvement Company, and that said committee have power to send for and examine persons and papers.

Said resolution was laid on the table by request of Mr. Bemus.

Leave of absence was granted to Mr. A. L. Hayes, indefinitely, on account of sickness.

Mr. Lott, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend an act entitled 'An act to amend an act entitled An act to incorporate the association for the benefit of colored orphans in the city of New York,' passed April 16, 1838, passed April 1, 1871."

"An act to authorize the extension of the time for the collection of taxes in the several towns and cities in this State."

Hon. William L. Ford, member elect from the county of Broome to fill the vacancy caused by the death of Hon. William M. Ely, appeared at the bar of the House. The oath of office was administered by the Speaker, and the certificate of his election was ordered filed in the office of the Secretary of State.

Mr. Houghton introduced a bill entitled "An act to authorize the construction of a farm bridge over the Champlain canal, for the benefit of Hiram Cramer, in the town of Saratoga, county of Saratoga," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on canals.

Mr. Moseley introduced a bill entitled "An act to incorporate the Concordia Singing Society of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Pell introduced a bill entitled "An act to incorporate the Society of Members of the New York Stock Exchange for mutual relief in the city and county and State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Speaker announced the special order, being the bill entitled as follows:

"An act to amend an act passed May 3, 1870, entitled 'An act to amend an act to incorporate the city of Troy,' passed April 12, 1816, and the several acts amendatory thereto, and also to amend other acts relating to the city of Troy."

The House then resolved itself into a committee of the whole on the said entitled bill.

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Woolsey, from said committee, reported in favor of the passage of said bill with amendments; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Foley, from the committee on local and special laws, to which was referred the bill entitled "An act to incorporate the Mutual Trust Institution of the city of New York," reported that there is no general law applicable to the same.

Mr. Foley, from the committee on local and special laws, to which was referred the bill entitled "An act to incorporate the South Worcester Cemetery Association," reported that there is no general law applicable to the same.

Mr. Foley, from the committee on local and special laws, to which was referred the bill entitled "An act to incorporate the Fresco Painters'

Benevolent and Protective Union of the city and county of New York," reported that there is no general law applicable to the same.

Mr. Lincoln, from the committee on local and special laws, to which was referred the bill entitled "An act to incorporate the Utica Park Association," reported that the objects sought can be attained under a proposed general law now before this Assembly.

Mr. Jacobs moved to lay the report on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Lincoln, from the committee on local and special laws, to which was referred the bill entitled "An act to incorporate the Holy Sepulcher Cemetery in the city of Rochester," reported that there is no general law applicable to the same.

Mr. Lincoln, from the committee on local and special laws, to which was referred the bill entitled "An act to incorporate the trustees of the Home for the Destitute Children of Madison county," reported that there is no general law applicable to the same.

Mr. Lincoln, from the committee on local and special laws to which was referred the bill entitled "An act to encourage the establishment of manufactories in the city of Poughkeepsie," reported that there is no general law applicable to the same.

Mr. Husted, from the committee on local and special laws, to which was referred the bill entitled "An act to incorporate the Hudson River Agricultural, Horticultural and Mechanical Fair Association," reported that the objects sought can be attained by a general law now before the Assembly.

On motion of Mr. Husted, said report was laid on the table.

Mr. Husted, from the committee on local and special laws, to which was referred the bill entitled "An act to revive the Gypsum Cemetery Association in Ontario county," reported that there is no general law applicable to the same.

Mr. Husted, from the committee on local and special laws, to which was referred the bill entitled "An act to amend an act for the incorporation of villages, passed April 20, 1870," reported that there is no general law applicable to the same.

Mr. Husted, from the committee on local and special laws, to which was referred the Senate bill entitled "An act to revive and amend the act to incorporate the Wyoming Benevolent Institute, passed April 28, 1870," reported that there is no general law applicable to the same, nor can any general law be so amended as to include it.

Mr. Alvord presented the following communication:

SECRETARY'S OFFICE ERIE RAILWAY COMPANY, }  
NEW YORK, *March 12, 1872.* }

At a meeting of the board of directors, held this day, the following resolutions were adopted:

*Resolved*, That public notice be given that it is the intention of this board that the bona fide stockholders of this company shall, at all times hereafter, have and be allowed to exercise their full and absolute right to control the direction of this company, and that this board will do all in its power to bring about such a speedy election as shall secure this result; and in view of this determination, that it is further

*Resolved*, That this board does heartily approve of the principles embodied in the act recently reported to the Senate and Assembly of

this State, for the repeal of the so called 'Classification Act,' and for other purposes, and that Messrs. Porter and McFarland, two of the counsel of this board be requested to proceed to Albany to urge the passage of the act in question.

[L. s.]

Attest.

H. N. OTIS, *Secretary.*

Mr. Whitbeck, from the majority of the committee on railroads, presented a report in writing, on the bill known as the 'Erie Classification Act'; which was laid on the table and ordered printed.

(See Doc. No. 94.)

Mr. Speaker announced the special order, being the bill entitled as follows:

"An act relating to the Erie Railway Company, repealing chapter 916 of the Laws of 1869, so far as relates to the classification of directors of the Erie Railway Company, and the prolongation thereby of their terms of office, and vacating the offices of directors of said company held thereunder, and ordering a new election for a full board of directors of said company, and providing regulations relating to the elections of directors of said company, and the transfer of its stock."

The House again resolved itself into a committee of the whole on the said entitled bill.

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Alvord, from said committee, reported progress on said bill, and asked and obtained leave to sit again.

Mr. Husted moved that said bill be made a special order for this evening.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

On motion of Mr. Husted, at 2 o'clock and 40 minutes, the House took a recess until 7½ P. M.

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## HALF-PAST SEVEN O'CLOCK P. M.

The House again met.

A message was received from the Governor, in the words following, to wit:

EXECUTIVE CHAMBER, }  
ALBANY, *March 14, 1872.* }

*To the Assembly:*

I return, without approval, Assembly bill, not printed, entitled "An act to authorize the trustees of the Methodist Episcopal Church of Northville to convey real estate."

The bill provides for the sale of the present parsonage house and for the investment of the proceeds in a house and lot adjoining the church.

The laws of the State, long ago, referred such matters to the courts of justice. By the Revised Statutes the supreme court is authorized to make an order for the sale of real estate belonging to a religious corporation and directing the application of the moneys arising from the sale to such uses as the court may deem for the interest of the society.

The wisdom of this provision in our laws has never been doubted. The merits of applications of this kind and the propriety of the pro-



posed use of any money arising from sales of the corporation property can be best ascertained by inquiries under the rules of a court of justice. If the Legislature, in any one case, overlooks the established policy of the State in this respect, it will encourage frequent and unnecessary demands upon its time for the discharge of a duty which properly pertains to the judiciary.

JOHN T. HOFFMAN.

Mr. Bemus moved that said message be laid on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Speaker put the question, "Shall this bill be passed notwithstanding the objections of the Governor?" and it was determined in the negative, two-thirds of all the members present not voting in favor thereof.

{ AYES 00 }  
{ NOES 73 }

Those who voted in the negative, were

|               |            |         |            |                 |
|---------------|------------|---------|------------|-----------------|
| Aitken        | Greenhalgh | Lewis   | Pell       | Springsted      |
| Alvord        | Gregory    | Lincoln | Pierce     | Swain           |
| I. H. Babcock | Hawkins    | Lippitt | Preston    | Tobey           |
| Badeau        | Herrick    | Lott    | Prince     | D. Tomkins      |
| Beckwith      | A. Hill    | Lynde   | Ray        | Tucker          |
| Bemus         | Holdridge  | Mackay  | Roche      | Twombly         |
| I. D. Brown   | Houghton   | Marcy   | Rose       | A. L. Van Dusen |
| Buell         | Hungerford | Moore   | Sage       | W. J. Van Dusen |
| Davidson      | Husted     | Morton  | Shepardson | Wells           |
| Dykeman       | Jacobs     | Moseley | Simson     | Whitaker        |
| Eastman       | Judd       | Mosher  | Smiley     | Woodward        |
| Foley         | Kennedy    | Moulton | Smyth      | Woolsey         |
| Fort          | Kingsland  | Murdock | Sniper     | Wyman           |
| Goss          | Knapp      | Niles   | Speaker    | Yeomans         |
| Green         | Knettles   | Oakley  |            |                 |

The House again resolved itself into a committee of the whole on the special order being the bill entitled as follows:

"An act relating to the Erie Railway Company, repealing chapter 916 of the Laws of 1869, so far as relates to the classification of directors of the Erie Railway Company, and the prolongation thereby of their terms of office, and vacating the offices of directors of said company held thereunder, and ordering a new election for a full board of directors of said company, and providing regulations relating to the elections of directors of said company, and the transfer of its stock."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Alvord, from said committee, reported in favor of the passage of said bill with amendments; which report was agreed to, and said bill ordered engrossed for a third reading.

On motion of Mr. Niles, at 11 o'clock and 45 minutes, the House adjourned.

## FRIDAY, MARCH 15, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Reynolds.

The journal of yesterday was read and approved.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act relating to the Erie Railway Company, repealing chapter 916 of the Laws of 1869, so far as relates to the classification of directors of the Erie Railway Company, and the prolongation thereby of their terms of office, and vacating the offices of directors of said company held thereunder, and ordering a new election for a full board of directors of said company, and providing regulations relating to the elections of directors of said company, and the transfer of its stock," which was read the first time, and by unanimous consent was also read the second time.

Mr. Husted moved that said bill be substituted for the Assembly bill No. 386 of the same title, now on third reading.

Mr. Husted moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion to substitute, and it was determined in the affirmative.

{ AYES 89 }  
{ NOES 15 }

Those who voted in the affirmative, were

|             |            |            |            |                 |
|-------------|------------|------------|------------|-----------------|
| Abbott      | Ford       | Judd       | Niles      | Squires         |
| Alberger    | Fort       | Kennedy    | Oakley     | Strahan         |
| Alvord      | Goring     | Kilian     | Osgood     | Swain           |
| Badeau      | Goss       | Kingsland  | Pell       | Tilden          |
| Baltz       | Green      | Knapp      | Pierce     | D. Tomkins      |
| Beckwith    | Gregory    | Knettles   | Preston    | Tucker          |
| Bennett     | Haight     | Lewis      | Ray        | Twombly         |
| Berri       | Haughton   | Lincoln    | Rice       | A. L. Van Dusen |
| E. E. Brown | Hawkins    | Lippitt    | Rose       | W. J. Van Dusen |
| I. D. Brown | J. Hayes   | G. P. Lord | Sage       | Vedder          |
| Burns       | Healy      | Lott       | Simson     | Wells           |
| Burritt     | Herrick    | Loughran   | Smiley     | Whitbeck        |
| Crandall    | Holdridge  | Lynde      | Smith      | White           |
| Davidson    | Hollister  | Mackay     | Smyth      | Whitaker        |
| Dykeman     | Houghton   | Marcy      | Sniper     | Woolsey         |
| Eastman     | Hungerford | Moore      | Snyder     | Wyman           |
| Flammer     | Husted     | Mosher     | Speaker    | Yeomans         |
| Foley       | Jacobs     | Murdock    | Springsted |                 |

Those who voted in the negative, were

|         |          |          |            |         |
|---------|----------|----------|------------|---------|
| Aitken  | Buell    | Cook     | Fowler     | Moseley |
| Blair   | Carroll  | Couchman | A. Hill    | Roche   |
| Buckley | Chambers | Dunphy   | D. B. Hill | Wiley   |

"An act to discharge Wm. Hoffman from the debtor's jail, in the city of New York, commonly called the 'Ludlow street jail,' and to

discharge him from arrest and imprisonment under the orders of arrest, by virtue of which he is now imprisoned in said jail, and to exonerate his person from any existing or future arrest or imprisonment on any civil process in any civil action issuing out of any court of law or on any execution issuing on any judgment rendered or to be rendered in any such action, in every case in which the cause of action arose since January 1, 1821, and existed at the time of the passage of this act," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

A message from the Senate was received and read, in the words following :

*Resolved* (if the Assembly concur), That a respectful message be sent to the Governor requesting him to return Senate bill No. 22, entitled "An act authorizing the Syracuse and Northern Railroad Company to extend its road and make certain connections and mortgage its real estate and personal property, and certain towns in Onondaga, Oswego and Jefferson counties to issue bonds in aid thereof," for amendment.

By unanimous consent,

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing that the Assembly have passed the same.

Mr. Speaker presented the report of the De Veaux College ; which was laid on the table and ordered printed.

(See Doc. No. 97.)

Also, a statement of expenses of the Bank Department, in pursuance of a resolution of the House, passed March 9 ; which was laid on the table and ordered printed.

(See Senate Doc. No. 55.)

Also, a communication from the chamber of commerce of New York, relative to the usury laws ; which was read and referred to the committee on the judiciary.

Also, the following communication :

WORKINGMEN'S ASSEMBLY, }  
NEW YORK, February 1, 1872. }

*To the Hon. the Speaker and the Assembly of the State of New York, in session assembled :*

GENTLEMEN.—At the recent annual session of the Workingmen's Assembly, State of New York, held at the city of Albany, January 23, and three following days, the following resolution was introduced and unanimously adopted :

*Resolved*, That the honorable the Assembly of the State of New York be respectfully petitioned to grant the use of the Assembly chamber to the International Union of Machinists and Blacksmiths of North America, in which to hold their biennial session, commencing on the third Wednesday in September (18th), 1872.

In accordance with my duty, and on behalf of this large and influential body of mechanics, I would respectfully petition your honorable Assembly to favorably consider the request contained in the above resolution, and grant our petition.

[L. S.] Respectfully submitted. WM. J. JESSUP,  
President Workingmen's Assembly.

On motion of Mr. Jacobs the request was granted.



Mr. Judd presented the petition of tax-payers of the village of Edgewater for amendment to the village of Edgewater; which was read and committed to the committee of the whole.

Messrs. Ford, Springsted and A. L. Van Dusen, severally, presented petitions of citizens of the State in favor of exempting bonds and mortgages from taxation; which were read and referred to the committee on ways and means.

Mr. Baltz presented the petition of Jacob Urban and others against closing Waldron street by the park commissioners of the city of Buffalo; which was read and referred to the committee on the affairs of cities.

Also, the petitions of hackmen and other citizens of Buffalo, asking for the passage of an act prohibiting the sale of omnibus and carriage tickets on railroads entering Buffalo; which were read and referred to the committee on railroads.

Mr. Berri presented the petition of citizens of the city of Brooklyn for amendment to the present lien law for the counties of Kings and Queens; which were read and referred to the committee on the judiciary.

Mr. Speaker presented the petition of William D. White, a suitor in actions pending in the 4th judicial department, praying an inquiry upon his charges of misconduct against George Barker, Charles Daniels and John L. Talcott, justices of the 8th judicial district; which was read and referred to the committee on the judiciary.

Mr. Ford presented the petition of citizens of Union, Broome county, to equalize freight on railroads; which was read and referred to the committee on railroads.

Mr. Badeau presented several petitions of the tax-payers and residents of the county of Westchester for the passage of an act authorizing the supervisors of the county of Westchester to purchase the City island bridge; which were read and referred to the committee on internal affairs.

Mr. Judd presented petitions of Staten Islanders for a Metropolitan police; which were read and referred to the committee on internal affairs.

Also, a petition of 127 mercantile firms for repeal of a portion of the pilot law; which was read and referred to the committee on commerce and navigation.

Mr. Goss presented a petition of all the tax-payers on Lake avenue, in the city of Rochester, except two, for the improvement of said avenue from Jones street to the city line; which was read and referred to the committee on the affairs of cities.

Mr. Squires presented a petition of 130 tax-payers of the county of Cortland, to authorize boards of supervisors to raise and refund money to the drafted men of September 8, 1863; which was read and referred to the committee on internal affairs.

Mr. D. L. Babcock presented a petition of the East and West Side Association of the city of New York; which was read and referred to the committee on ways and means.

Mr. Alvord presented a petition of citizens of Clay, Van Buren and Lysander, for modification of chapter 215 of the Laws of 1866, in relation to highways and bridges; which was read and referred to the committee on roads and bridges.

Also, a petition of residents of Onondaga county, for the protection and preservation of the Northern wilderness of this State; which was read and referred to the committee on public lands.

Mr. Chambers presented a petition of the Le Couteulx St. Mary's Deaf and Dumb Asylum, at the city of Buffalo, for relief; which was read and referred to the committee on ways and means.

Mr. I. H. Babcock presented a remonstrance of W. H. Cornes and eighty-one others, citizens of Niagara county, in the town of Royalton, against the passage of the bill in relation to the construction of a ship canal around the falls of Niagara; which was read and referred to the committee on commerce and navigation.

Mr. Alberger presented a petition of the citizens of Buffalo for dredging Black Rock harbor; which was read and referred to the committee on canals.

Mr. Preston presented a petition of citizens of Dunkirk, Chautauqua county, asking for an appropriation for the benefit of the St. Mary's Orphan Asylum in said village; which was read and referred to the committee on ways and means.

Mr. Kennedy presented a petition of the Rochester, Nunda and Pennsylvania Railroad Company, praying for the passage of an act legalizing contracts for consolidation, etc; which was read and referred to the committee on railroads.

Messrs. Lord and Ford presented five petitions from Yates county, for repeal of classification act and new election of directors of Erie Railway Company; which were laid on the table.

Messrs. Woolsey and Ford presented three remonstrances against any legislative interference with the management of the Erie Railway Company; which were laid on the table.

Messrs. Ford, Beckwith, Fort, Hyatt, Lippitt, Lewis, Lincoln, Woolsey, Woodward and Yeomans presented fifteen petitions from various parts of the State, for the passage of an act regulating the sale of intoxicating liquors; which were committed to the committee of the whole.

Mr. Alvord, from the committee on ways and means, to which was referred the bill entitled "An act for the improvement of the main, middle and north branches of Grass river," reported the same for the consideration of the House; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Alvord, from the committee on ways and means, reported a bill entitled "An act making appropriations for certain expenses of government and for supplying deficiencies in former appropriations," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Alvord moved that said bill be recommitted to the committee on ways and means to retain its place on general orders.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Smyth, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:

"An act to amend an act passed May 3, 1870, entitled 'An act to incorporate the city of Troy, passed April 12, 1816,' and the several acts amendatory thereto, and also to amend other acts relating to the city of Troy."

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend chapter 386 of the Laws of 1851, entitled 'An act to amend, consolidate and reduce to one act the various acts relative to the common schools of the city of New York, and the acts amending the same,'" reported in favor of the passage of the



same, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act entitled 'An act to provide for the improvement of Pleasant street in the city of Utica and town of New Hartford, Oneida county, between Oneida street and Seymour avenue,'" reported adversely thereto; which report was agreed to.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the common council of the city of Syracuse to raise money for the purchase of a steam fire-engine and apparatus, and to erect a building for the use of the same," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act authorizing the city of Albany to close a part of Quackenbush street, and to permit the erection of bridges over certain streets in said city," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act legalizing certain proceedings of the common council of the city of Buffalo, and for the relief of Frederick Haake," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act granting the exclusive right to Jonathan H. Child, Edward Backus and their associates to propel boats or floats on the canals of the State by a traction wheel," reported adversely thereto, which report was agreed to.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the Senate bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to provide for a supply of water in the city of Poughkeepsie, and for sewers therein, passed April 12, 1867, passed April 9, 1870,' and to amend section 1, of chapter 594, of the Laws of 1871, and to further amend chapter 333, of the Laws of 1867," reported in favor of the passage of the same with an amendment, and title amended so as to read "An act to amend 'An act to provide for a supply of water in the city of Poughkeepsie, and for sewers therein, passed April 12, 1867, passed April 9, 1870,' and also to amend an act entitled 'An act to amend an act entitled An act to provide for a supply of water in the city of Poughkeepsie, and for sewers therein, passed April 12, 1867, passed April 19, 1871,'" which report was agreed to and said bill committed to the committee of the whole.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act to authorize the adjustment and trial of a system of gates on a lock on the Erie canal; reported adversely thereto, which report was agreed to.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act to authorize the adjustment and trial of a system of gates on a lock on the Erie canal, whereby its navigation by steam will



be greatly promoted," reported adversely thereto, which report was agreed to.

Mr. Campbell, from the committee on commerce and navigation to which was referred the bill entitled "An act to establish a rapid transit steam ferry between Westchester county and New York city," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Snyder, from the committee on commerce and navigation, to which was recommitted the bill entitled "An act to incorporate the Troy, Lansingburgh and Cohoes Bridge Company, for the purpose of constructing and maintaining a bridge, appurtenances and approaches to the same, over the Hudson river from some point on Van Schaick's Island, in the city of Cohoes to some point in the village of Lansingburgh, south of Bolton's brewery, on said river," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill replaced on the order of third reading of bills.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to enable the several highway districts in the town of Greenburgh, Westchester county, west of or through which the highway known as the late Highland turnpike runs, to macadamize and otherwise improve public highways within their respective districts, passed April 22, 1867," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to provide for the building of a bridge over the Boston and Albany railroad in the town of East Greenbush, Rensselaer county," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to provide for the grading and improvement of a public highway in the town of Watervliet, known as the Troy and Schenectady turnpike, and to authorize the supervisors of the county of Albany to levy a tax therefor on the taxable property of the said town of Watervliet," reported that they have made some amendments thereto, and amended the title so as to read as follows: "An act to provide for the improvement of the highway extending from Lansing street, Genesee street and Caroline avenue, in the village of West Troy, to the Loudon road, in the town of Watervliet, highways lying in part in the village of West Troy, and to authorize the board of supervisors of the town of Watervliet to assess the expenses thereof upon the said town," which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to incorporate the Oswegatchie Bridge Company," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend section 1 of chapter 730 of the Laws of 1871, entitled 'An act in relation to highways in the county of Rockland,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to repeal chapter 100, Laws of 1858, entitled 'An act to construct a highway from the old State road in Essex county, to the Port Kent, Hopkinton turnpike in Franklin county,'" reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to establish a special road district in Franklin county, and appropriate certain non-resident taxes for the construction and repairing of roads in the same," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to incorporate the New York and Queens County Bridge Company," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to repeal an act entitled 'An act to amend an act entitled An act to amend and consolidate the several acts in relation to the village of Rhinebeck, passed February 2, 1867,' passed April 21, 1870," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend the charter of the village of Perry, Wyoming county," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on affairs of villages, to which was referred the bill entitled "An act in relation to a board of health for the town and village of Saratoga Springs, Saratoga county," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on affairs of villages, to which was referred the Senate bill entitled "An act to amend an act entitled 'An act to supply the village of Middletown with water for public and private purposes,' passed April 3, 1866," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to revise and consolidate the Laws in relation to Amsterdam village in Montgomery county,' passed April 17, 1854, and subsequent acts amendatory thereof, and to extend the boundary of said village," reported adversely thereto; which report was agreed to.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to repeal so much of the act entitled 'An act to amend an act entitled An act to provide for laying out and improving roads and avenues in the village and town of Saratoga Springs, passed April 21, 1871,' as relates to the widening of Walton street in said village," reported adversely thereto, which report was agreed to.



Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act relative to the setting of fykes and other nets in the Harlem and East rivers," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to prevent the taking of fish from Loon lake in the town of Wayland, Steuben county," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act declaring Otter creek and its tributaries in Lewis and Herkimer counties a public highway," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to amend an act passed May 11, 1869, entitled 'An act to lay out and improve a public highway or avenue from Prospect park, in the city of Brooklyn, toward Coney Island, in the county of Kings,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to open, widen, straighten, work and grade Third avenue, in the town of Morrisania," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to authorize the town of Canton to aid in the construction of a reservoir upon the head waters of Grass river, and to legalize the action of the special town meeting of the town of Canton, held February 24, 1872," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the village of Yonkers to issue bonds for the purpose of raising money to construct a bridge over the Nepperhan river,' passed April 19, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to provide for the erection of a town house in the town of New Lots, Kings county," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the Senate bill entitled "An act to incorporate the Addison Spring Water Company," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the Senate bill entitled "An act to incorporate the Little Valley Water-works Company," reported in favor of the passage of the same;



which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the Senate bill entitled "An act authorizing the town of Little Valley, Cattaraugus county to issue bonds to pay its indebtedness incurred in the building of the court-house and jail in said town," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to equalize representation in the several boards of supervisors in this State," reported adversely thereto; which report was agreed to.

Mr. Goring moved to disagree with said report, and that said bill be committed to the committee of the whole.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Squires, from the committee on banks, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Newburgh Savings Bank,' passed April 13, 1852," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Squires, from the committee on banks, to which was referred the the bill entitled "An act to incorporate the New York Loan and Security Bank," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Squires, from the committee on banks, to which was referred the bill entitled "An act to incorporate the Warwarsing Savings Bank, in the county of Ulster," reported adversely thereto, which report was agreed to.

Mr. Foley, from the committee on banks, to which was referred the subject of savings banks, reported by bill entitled "An act to consolidate the several acts relating to savings banks into one act, and to provide for a uniform administration of their affairs," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Foley moved to recommit said bill to the committee on banks, to retain its place on general orders.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Sniper, from the committee on the militia, to which was referred the bill entitled "An act to incorporate the West Sandlake Stock Association of Ferguson's Cornet Band, State of New York," reported the same for the consideration of the House; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Sniper, from the committee on the militia, to which was referred the bill entitled "An act to amend an act entitled 'An act relating to military exemptions,' passed April 1, 1871," reported adversely thereto, which report was agreed to.

Mr. E. E. Brown, from the committee on State prisons, to which was referred the bill entitled "An act requiring the agents and wardens of the State prisons of this State to keep a detailed account of the purchases and sales made by them as such agents and wardens," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. E. E. Brown, from the committee on State prisons, to which was referred the Senate bill entitled "An act to appoint commissioners to investigate and examine into the pecuniary affairs and condition of the several State prisons and State reformatory at Elmira, of this State, and to report the same, and also to suggest such laws, rules and regulations as they may deem proper for the better regulation and discipline of said prisons to the Comptroller of this State," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. E. E. Brown, from the committee on State prisons, to which was referred the Senate bill entitled "An act to authorize the agent and warden of the Auburn prison to sell certain lands belonging to the State," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. G. P. Lord, from the committee on public education, to which was referred the bill entitled "An act to empower the levying of a tax on union school district No. 1, in the town of Clarence, county of Erie, for the purpose of creating a permanent fund for the employment of teachers and to regulate the investment and management of said fund," reported in favor of the passage of the same, with an amendment; which report was agreed to and said bill committed to the committee of the whole.

Mr. G. P. Lord, from the committee on public education, to which was referred the Senate bill entitled "An act to incorporate the Batavia Library Association, and appropriating money thereto," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Loughran, from the committee on public health, to which was referred the bill entitled "An act supplementary to and amendatory of chapter 202 of the Laws of 1871, passed March 28, 1871, entitled 'An act to establish a board for the examination of and licensing druggists and prescription clerks in the city of New York,'" reported adversely thereto; which report was agreed to.

Mr. Loughran, from the committee on public health, to which was referred the Senate bill entitled "An act to regulate the practice of pharmacy and the sale of poisons in the city and county of New York," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Beckwith, from the committee on state charitable institutions, to which was referred the bill entitled "An act in relation to proceedings for the safe keeping and care of lunatics," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Aitken, from the committee on petitions of aliens, to which was referred the bill entitled "An act to release the interest of the people of the State of New York in certain real estate to Elizabeth Handley," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Aitken, from the committee on petitions of aliens, to which was referred the Senate bill entitled "An act to release the title and interest of the people of this State in certain real estate in the town of Frankfort, Herkimer county, to Owen Salisbury," reported in favor of the pas-



sage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Aitken, from the committee on petitions of aliens, to which was referred the bill entitled "An act for the relief of William J. Osborne," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Aitken, from the committee on petitions of aliens, to which was referred the bill entitled "An act to release the title and interest of the people of the State of New York in and to certain real estate in the city of Brooklyn, to Sarah Groom," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Bennett, from the committee on commerce and navigation, to which was referred the bill entitled "An act relative to the streets, avenues, wharves, piers and bulkheads of the village of College Point, county of Queens," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Yeomans, from the committee on agriculture, to which was referred the bill entitled "An act to provide for fair grounds in the county of Chemung," reported in favor of the passage of the same with an amendment; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to incorporate the St. Lawrence Bridge Company," reported the same for the consideration of the House; which report was agreed to.

Mr. Badeau, from the committee on roads and bridges, to which was referred the Senate bill entitled "An act to provide for the repair, improvement, construction and protection of bridges on the Cattaraugus Indian reservation in the counties of Erie and Cattaraugus," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Alberger made a report of the testimony taken by the committee on commerce and navigation in its investigations in New York city, ordered by the House; which was laid on the table and ordered printed.

(See Doc. No. )

Mr. Alberger offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That 1,000 extra copies of the testimony taken before the committee on commerce and navigation, on investigations ordered by this House be printed for the use of the Assembly.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act legalizing the action of the town of Norfolk, St. Lawrence county, New York, in the purchase of a town hall and site," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 402, of the Laws of 1854, being 'An act for the better security of mechanics and others erecting buildings in the counties of Westchester, Oneida, Cortland, Broome, Putnam, Rockland, Orleans, Niagara, Livingston, Otsego, Lewis, Orange,



and Dutchess, passed April 17, 1854,' extending the provisions thereof and of all acts amendatory thereof to the county of Erie, excepting the city of Buffalo," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to incorporate the Metropolitan Contracting Company, of the city of New York," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled an act to regulate proceedings in certain actions against corporations," reported the same for the consideration of the House, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. D. B. Hill dissented from said report.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to enable the supervisors of the city and county of New York to raise money to pay money appropriated by Geo. H. E. Lynch, late clerk of the superior court of the city of New York," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act amending the Revised Statutes and other acts of the Legislature relating to the office of the Attorney-General," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. D. B. Hill dissented from said report.

Mr. Prince, from the committee on the judiciary, to which was referred the Senate bill entitled "An act to incorporate the Bay Ridge Contracting Company," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the Senate bill entitled "An act to confirm the title of citizens of this State to lands for which they have hitherto taken conveyances from aliens," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the Senate bill entitled "An act to amend the act entitled 'An act in relation to the qualification of persons to be admitted to practice in the courts of this State as attorneys, solicitors and counselors,' passed April 13, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to regulate the liabilities of hotel keepers,' passed April 13, 1855," reported adversely thereto; which report was agreed to.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the city court of Brooklyn," reported adversely thereto.

Mr. Baker moved to lay said report upon the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to incorporate the Bay Ridge Contracting Company," reported adversely thereto, which report was agreed to.

The bill entitled "An act to incorporate the Troy, Lansingburgh and Cohoes Bridge Company, for the purpose of constructing and maintaining a bridge, appurtenances and approaches to the same, over the Hudson river from some point on Van Schaick's Island, in the city of Cohoes to some point in the village of Lansingburgh, south of Bolton's brewery, on said river," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

|             |            |            |            |                 |
|-------------|------------|------------|------------|-----------------|
| Abbott      | Davidson   | Hollister  | Moseley    | Squires         |
| Aitken      | Dunphy     | Hungerford | Moulton    | Strahan         |
| Alberger    | Dykeman    | Jacobs     | Murdock    | Swain           |
| Alvord      | Eastman    | Judd       | Pell       | D. Tomkins      |
| Badeau      | Flammer    | Kennedy    | Preston    | M. M. Tompkins  |
| Beckwith    | Foley      | Kilian     | Ray        | Tucker          |
| Berri       | Ford       | Kingsland  | Rice       | A. L. Van Dusen |
| Blair       | Fort       | Knapp      | Roche      | W. J. Van Dusen |
| E. E. Brown | Goss       | Knettles   | Rose       | Vedder          |
| I. D. Brown | Gregory    | Lewis      | Sage       | Whitbeck        |
| Buell       | Haughton   | Lincoln    | Simson     | White           |
| Burritt     | Hawkins    | Lippitt    | Smith      | Whitaker        |
| Carroll     | Healy      | Lott       | Smyth      | Woodward        |
| Chambers    | Herrick    | Loughran   | Sniper     | Woolsey         |
| Cook        | A. Hill    | Lynde      | Snyder     | Wyman           |
| Couchman    | D. B. Hill | Mackay     | Speaker    | Yeomans         |
| Crandall    | Holdridge  | Marcy      | Springsted |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to incorporate the association for the benefit of colored orphans in the city of New York,' passed April 16, 1838, passed April 1, 1871," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

|             |          |            |         |                |
|-------------|----------|------------|---------|----------------|
| Alberger    | Foley    | Houghton   | Morton  | Snyder         |
| Alvord      | Ford     | Hungerford | Mosher  | Speaker        |
| Badeau      | Fort     | Husted     | Moulton | Springsted     |
| Beckwith    | Fowler   | Jacobs     | Murdock | Squires        |
| Berri       | Goring   | Kennedy    | Niles   | Swain          |
| E. E. Brown | Goss     | Kilian     | Pell    | M. M. Tompkins |
| I. D. Brown | Green    | Kingsland  | Preston | Tucker         |
| Buell       | Gregory  | Knapp      | Rice    | Vedder         |
| Burns       | Haughton | Knettles   | Roche   | Whitbeck       |
| Burritt     | Hawkins  | Lewis      | Rose    | White          |

|          |            |            |        |          |
|----------|------------|------------|--------|----------|
| Carroll  | Healy      | G. P. Lord | Sage   | Whitaker |
| Cook     | Herrick    | Lott       | Simson | Woodward |
| Couchman | A. Hill    | Loughran   | Smiley | Woolsey  |
| Davidson | D. B. Hill | Mackay     | Smith  | Wyman    |
| Dykeman  | Holdridge  | Marcy      | Sniper | Yeomans  |
| Flammer  | Hollister  | Moore      |        |          |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Lott, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows :

"An act relating to the Erie Railway Company, repealing chapter 916 of the Laws of 1869, so far as relates to the classification of directors of the Erie Railway Company, and the prolongation thereby of their terms of office, and vacating the offices of directors of said company held thereunder, and ordering a new election for a full board of directors of said company, and providing regulations relating to the elections of directors of said company, and the transfer of its stock."

The bill entitled "An act to amend an act passed May 3, 1870, entitled 'An act to amend an act to incorporate the city of Troy,' passed April 12, 1816, and the several acts amendatory thereto, and also to amend other acts relating to the city of Troy," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 12 }

Those who voted in the affirmative, were

|             |            |           |            |                 |
|-------------|------------|-----------|------------|-----------------|
| Abbott      | Flammer    | Judd      | Moulton    | Strahan         |
| Alberger    | Foley      | Kennedy   | Murdock    | Swain           |
| Alvord      | Ford       | Kilian    | Niles      | D. Tomkins      |
| Badeau      | Fort       | Kingsland | Osgood     | M. M. Tompkins  |
| Baltz       | Fowler     | Knapp     | Pell       | Tucker          |
| Beckwith    | Goring     | Knettles  | Preston    | Twombly         |
| Bennett     | Green      | Lewis     | Rice       | W. J. Van Dusen |
| Berri       | Gregory    | Lincoln   | Rose       | Vedder          |
| I. D. Brown | Haughton   | Lippitt   | Sage       | Wells           |
| Buckley     | Hawkins    | Lott      | Simson     | Whitbeck        |
| Burns       | Herrick    | Loughran  | Smith      | White           |
| Burritt     | D. B. Hill | Lynde     | Sniper     | Whitaker        |
| Crandall    | Holdridge  | Mackay    | Snyder     | Woodward        |
| Davidson    | Houghton   | Marcy     | Speaker    | Woolsey         |
| Dykeman     | Husted     | Moore     | Springsted | Wyman           |
| Eastman     | Hyatt      | Morton    | Squires    | Yeomans         |

Those who voted in the negative, were

|        |          |          |         |       |
|--------|----------|----------|---------|-------|
| Aitken | Campbell | Couchman | Jacobs  | Roche |
| Blair  | Chambers | A. Hill  | Moseley | Wiley |
| Buell  | Cook     |          |         |       |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act relating to the Erie Railway Company, repealing chapter 916 of the Laws of 1869, so far as relates to the classification of directors of the Erie Railway Company, and the prolongation thereby of their terms of office, and vacating the offices of directors of said company held thereunder, and ordering a new election for a full



board of directors of said company, and providing regulations relating to the elections of directors of said company, and the transfer of its stock," having been announced for a third reading,

Mr. Husted moved that said bill be recommitted to the committee on railroads, with instructions to amend said bill by striking out at the end of the second section the words "no person being a director of the Atlantic and Great Western Railway Company shall be eligible as a director of the Erie Railway Company," and report forthwith, and on that motion he moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Husted, and it was determined in the negative.

{ AYES 51 }  
{ NOES 58 }

Those who voted in the affirmative, were

|          |            |           |         |                 |
|----------|------------|-----------|---------|-----------------|
| Alberger | Foley      | Hyatt     | Marcy   | D. Tomkins      |
| Alvord   | Fort       | Jacobs    | Morton  | Tucker          |
| Badeau   | Goring     | Kilian    | Pell    | A. L. Van Dusen |
| Baltz    | Goss       | Kingsland | Pierce  | Wells           |
| Bennett  | Green      | Lewis     | Preston | Whitbeck        |
| Berri    | Gregory    | Lincoln   | Rice    | White           |
| Burritt  | Herrick    | Lippitt   | Snyder  | Whitaker        |
| Davidson | Hollister  | Lott      | Speaker | Woodward        |
| Dykeman  | Hungerford | Lynde     | Swain   | Wyman           |
| Eastman  | Husted     | Mackay    | Tilden  | Yeomans         |
| Flammer  |            |           |         |                 |

Those who voted in the negative, were

|             |            |            |        |                 |
|-------------|------------|------------|--------|-----------------|
| Abbott      | Crandall   | Houghton   | Niles  | Smyth           |
| Aitken      | Dunphy     | Judd       | Oakley | Sniper          |
| Beckwith    | Ford       | Kennedy    | Osgood | Springsted      |
| Blair       | Fowler     | Knapp      | Paige  | Squires         |
| I. D. Brown | Haight     | Knettles   | Ray    | Strahan         |
| Buckley     | Haughton   | G. P. Lord | Roche  | M. M. Tompkins  |
| Burns       | Hawkins    | Loughran   | Rose   | Twombly         |
| Campbell    | J. Hayes   | Moore      | Sage   | W. J. Van Dusen |
| Carroll     | Healy      | Moseley    | Simson | Vedder          |
| Chambers    | A. Hill    | Mosher     | Smiley | Wiley           |
| Cook        | D. B. Hill | Moulton    | Smith  | Woolsey         |
| Couchman    | Holdridge  | Murdock    |        |                 |

Mr. Alvord moved that the vote on the motion to recommit said bill, with instructions, be reconsidered.

Debate was had thereon, when

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

{ AYES 44 }  
{ NOES 65 }

Those who voted in the affirmative, were

|          |           |           |         |                 |
|----------|-----------|-----------|---------|-----------------|
| Alberger | Fort      | Hyatt     | Preston | Tucker          |
| Alvord   | Goring    | Kingsland | Rice    | A. L. Van Dusen |
| Badeau   | Goss      | Knettles  | Smith   | Wells           |
| Baltz    | Green     | Lewis     | Snyder  | Whitbeck        |
| Bennett  | Gregory   | Lincoln   | Speaker | White           |
| Berri    | Herrick   | Lippitt   | Strahan | Whitaker        |
| Davidson | Hollister | Lynde     | Tilden  | Wyman           |

|         |          |        |                |         |
|---------|----------|--------|----------------|---------|
| Dykeman | Houghton | Mackay | D. Tomkins     | Yeomans |
| Eastman | Husted   | Marcy  | M. M. Tompkins |         |

Those who voted in the negative, were

|               |          |            |         |                 |
|---------------|----------|------------|---------|-----------------|
| Abbott        | Cook     | A. Hill    | Moseley | Sage            |
| Aitken        | Couchman | D. B. Hill | Mosher  | Simson          |
| I. H. Babcock | Crandall | Holdridge  | Moulton | Smiley          |
| Blair         | Dunphy   | Jacobs     | Murdock | Smyth           |
| E. E. Brown   | Flammer  | Judd       | Niles   | Sniper          |
| I. D. Brown   | Foley    | Kennedy    | Oakley  | Springsted      |
| Buckley       | Ford     | Kilian     | Osgood  | Squires         |
| Buell         | Fowler   | Knapp      | Paige   | Swain           |
| Burns         | Haight   | G. P. Lord | Pell    | Twombly         |
| Burritt       | Haughton | Lott       | Pierce  | W. J. Van Dusen |
| Campbell      | Hawkins  | Loughran   | Ray     | Vedder          |
| Carroll       | J. Hayes | Moore      | Roche   | Wiley           |
| Chambers      | Healy    | Morton     | Rose    | Woolsey         |

Mr. Jacobs moved that said bill be now read a third time, and upon that motion moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 94 }  
{ NOES 18 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Abbott        | Flammer    | Hyatt      | Mosher  | Springsted      |
| Alberger      | Foley      | Jacobs     | Moulton | Squires         |
| Alvord        | Ford       | Judd       | Niles   | Strahan         |
| D. L. Babcock | Fort       | Kennedy    | Oakley  | Swain           |
| I. H. Babcock | Goring     | Kilian     | Osgood  | Tilden          |
| Badeau        | Goss       | Kingsland  | Paige   | D. Tomkins      |
| Baltz         | Green      | Knapp      | Pell    | Tucker          |
| Beckwith      | Gregory    | Knettles   | Pierce  | Twombly         |
| Bennett       | Haight     | Lewis      | Preston | A. L. Van Dusen |
| Berri         | Haughton   | Lincoln    | Rice    | W. J. Van Dusen |
| E. E. Brown   | Hawkins    | Lippitt    | Rose    | Vedder          |
| I. D. Brown   | J. Hayes   | G. P. Lord | Sage    | Wells           |
| Burns         | Healy      | Lott       | Simson  | Whitbeck        |
| Burritt       | Herrick    | Loughran   | Smiley  | White           |
| Crandall      | Holdridge  | Lynde      | Smith   | Whitaker        |
| Davidson      | Hollister  | Mackay     | Smyth   | Woolsey         |
| Dunphy        | Houghton   | Marcy      | Sniper  | Wyman           |
| Dykeman       | Hungerford | Moore      | Snyder  | Yeomans         |
| Eastman       | Husted     | Morton     | Speaker |                 |

Those who voted in the negative, were

|         |          |            |         |                |
|---------|----------|------------|---------|----------------|
| Aitken  | Campbell | Couchman   | Moseley | Roche          |
| Blair   | Carroll  | Fowler     | Murdock | M. M. Tompkins |
| Buckley | Chambers | A. Hill    | Ray     | Wiley          |
| Buell   | Cook     | D. B. Hill |         |                |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

A message from the Senate was received and read, requesting the concurrence of the Assembly to a resolution, in the words following, to wit:

*Resolved* (if the Assembly concur), That a joint committee of three on the part of the Senate, and five on the part of the House, be appointed for the consideration of the memorials of the American Woman Suffrage Association, and that said memorials be referred to said committee.

*Ordered*, That said resolution be laid on the table.

In connection therewith, Mr. Alvord presented a memorial of ladies for rights of suffrage; which was read and laid on the table.

Mr. Smiley, from the committee on public printing, to which was referred the resolution authorizing the printing of 1,000 copies of the evidence taken before the committee on commerce and navigation, in investigations ordered by the House, reported in favor of the adoption of the same, in the words following:

*Resolved*, That 1,000 extra copies of the testimony taken before the committee of commerce and navigation, ordered by this House, be printed for the use of the Legislature.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Niles introduced a bill entitled "An act to provide for the completion of certain highways in the towns of Yonkers and East Chester, in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Also, a bill entitled "An act to incorporate the New York, Harlem and Morrisania Railway Company, and to provide for the construction of an elevated railway in the city of New York and Westchester county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act to change the grade of 136th and 137th streets between St. Ann's avenue and Cypress avenue, in the town of Morrisania, county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Also, a bill entitled "An act in relation to the highway in the town of Yonkers, known as Central road or avenue," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Tilden introduced a bill entitled "An act to provide for the holding of courts of oyer and terminer for the trial of certain cases by justices of the supreme court, to be assigned for that purpose," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act providing more effectual remedies in cases of the fraudulent acquisition, payment, disposition or conversion of public money or property," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to regulate the election of directors of railroad companies, and to prevent frauds therein," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. D. L. Babcock introduced a bill entitled "An act to amend an act entitled 'An act to abolish the office of county superintendent of the poor in the county of Albany,' passed April 4, 1849," which was read



the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Ford introduced a bill entitled "An act for the relief of Richard H. Mapes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Also, a bill entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,' passed April 2, 1850," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act relative to the Washington street and State Asylum Railroad Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act to amend an act entitled 'An act to authorize the construction and maintaining of a free bridge over the Chenango river, in the city of Binghamton, and to borrow money therefor,' passed March 13, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act to confer on the recorder of the city of Binghamton the powers and duties of justices of the peace in towns," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. D. B. Hill introduced a bill entitled "An act in relation to Mechanics liens," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Baltz introduced a bill entitled "An act to repeal chapter 131 of the Laws of 1871, entitled 'An act to renew the charter of the New York State Agricultural Society,' passed March 20, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

Mr. Ray introduced a bill entitled "An act to repeal an act entitled 'An act authorizing the commissioners of highways of the town of Germantown, in the county of Columbia, to lay out roads of a certain width,' passed April 2, 1827," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Sniper introduced a bill entitled "An act supplementary to the Code of Procedure, and for the collection of debts by trustee process," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Buell introduced a bill entitled "An act to reimburse the commissioners named in chapter 653 of the Laws of 1869 for moneys expended," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

On motion of Mr. Knapp, and by unanimous consent,

*Resolved*, That the committee on the petitions of aliens be discharged from the further consideration of Senate bill No. 147, entitled "An act relative to certain lands in the city of Brooklyn in Kings county, which in and by the last will and testament of Thomas Poole, deceased, were devised by him to the executors therein named, in trust, for the use and

benefit of said testators daughter Eliza, for and during her natural life," and the same be referred to the committee on the judiciary.

Mr. Berry introduced a bill entitled "An act to regulate the sale and secure greater safety in the use of kerosene and other inflammable oils and fluids," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trade and manufactures.

Also, a bill entitled "An act for the relief of the surviving members of the First Regiment of New York volunteers who served in the war with Mexico," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Also, a bill entitled "An act to amend an act passed April 21, 1870, entitled 'An act to amend an act passed April 26, 1866, entitled An act in relation to jurors, and the appointment and duties of a commissioner of jurors in the county of Kings,' passed April 17, 1858," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act in relation to the pay of firemen, stokers and drivers appointed by the fire commissioners of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to amend an act entitled 'An act to establish fire limits, and for the more effectual prevention of fires in the city of Brooklyn,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Bennett introduced a bill entitled "An act for the relief of the Grand Street, Prospect Park and Flatbush Railroad Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act to amend an act entitled 'An act to incorporate the Mechanics' and Traders' Savings' institution,' passed April 16, 1852, and the various amendments thereto," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

Mr. Morton introduced a bill entitled "An act to amend an act entitled 'An act for the relief of the Brooklyn, Winfield and Newtown Railway Company,' passed April 20, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. White introduced a bill entitled "An act to widen, open, grade and pave Baltic street, in the city of Brooklyn, from Nostrand avenue to Franklin avenue," which was read the first time, and by unanimous consent, was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act concerning the pavement of Atlantic avenue, in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to incorporate the Gilbert Elevated Railway Company, and provide a system of rapid transit through the city of New York," which was read the first time, and by unanimous con-



sent was also read the second time, and referred to the committee on railroads.

Mr. Smiley introduced a bill entitled "An act to legalize the action of the town meeting of the town of West Turin, Lewis county, held on the 20th day of February, 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Kennedy introduced a bill entitled "An act ratifying the contract entered into by the officers and directors of the Rochester, Nunda and Pennsylvania Railroad Company, the Rochester, Nunda and Pennsylvania Extension Railroad Company, and the Northern Extension of the Rochester, Nunda and Pennsylvania Railroad Company, to consolidate and merge the capital stock, franchises and property of said railroad companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Goss introduced a bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the city of Rochester,' passed April 8, 1861," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act authorizing the city of Rochester to issue its bonds to an amount not to exceed \$75,000 for the purpose of building a free academy," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Burritt introduced a bill entitled "An act to amend an act entitled 'An act to authorize the supervisors of Monroe county to raise money to pay for the site of the State armory in the city of Rochester, and to pay for the use of rooms therein,' passed April 19, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act to legalize the vote of the legal voters of the town of Greece, in the county of Monroe, held March 5, 1872, to raise money in aid of the Lake Ontario Shore Railroad Company, and to authorize the board of supervisors to levy a tax to raise the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Burritt introduced a bill entitled "An act in relation to the powers and duties of the board of supervisors of the county of Monroe," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Flammer introduced a bill entitled "An act to amend an act entitled 'An act in relation to jurors in the city and county of New York,' passed May 2, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Twombly introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the Old Guard of the city of New York,' passed April 22, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the militia.

Also, a bill entitled "An act amending chapter 637 of the Laws of 1866, entitled 'An act in relation to the college of the city of New



York,' passed April 17, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

Mr. Kilian introduced a bill entitled "An act in relation to elections in the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Haight introduced a bill entitled "An act in relation to the salaries of certain clerks in the marine court of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Mackay introduced a bill entitled "An act for the relief of the New York Tunnel Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Whitbeck introduced a bill entitled "An act to amend an act entitled 'An act to provide for the erection of wharves and piers in the Harlem river, below the Second avenue,' passed April 4, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Carroll introduced a bill entitled "An act to extend the jurisdiction of justices of the peace in actions for the claim and delivery of personal property, and to authorize the trial of all actions in courts of justices of the peace, by a jury of twelve men," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Alvord introduced a bill entitled "An act to amend section 156 of article 4 of chapter 3 of title 2 of part 4 of the Revised Statutes, in relation to bodies of deceased convicts at Auburn State prison," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

Also, a bill entitled "An act to amend an act entitled 'An act to establish an insurance department,' passed April 15, 1859; and to terminate the term of office of the present incumbent of the office of Superintendent of the Insurance Department," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

Also, a bill entitled "An act to amend chapter 585 of the Laws of 1865, entitled 'An act to establish Cornell University, and to appropriate to it the income of the sale of public lands granted to this State by Congress, on the 2d day of July, 1862; also, to restrict the operation of chapter 511 of the Laws of 1863,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

Also, a bill entitled "An act to appoint commissioners of parks for the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public lands.

Mr. Strahan introduced a bill entitled "An act to make the charges and liabilities of the county of New York, charges and liabilities of the mayor, aldermen and commonalty of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to repeal an act entitled 'An act to estab-

lish a turnpike corporation for improving and making a road from the village of Newburgh, on the Hudson river, to Cohecton, on the Delaware river,' passed March 20, 1801, in relation to toll-gates and tolls upon the turnpike road of said corporation, passed May 2, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Also, a bill entitled "An act to amend the act entitled 'An act to provide for the establishment of free schools in the village of Newburgh,' passed April 6, 1852, and the several acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

Also, a bill entitled "An act to amend section 11 of the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to incorporate the National Book Exchange of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trade and manufactures.

Also, a bill entitled "An act in relation to the powers of the Attorney-General," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Oakley introduced a bill entitled "An act to repeal an act entitled 'An act to provide for the laying out of streets, avenues, roads and parks in Long Island City,' passed April 26, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to establish a receiver of taxes and to authorize the sale of lands for non-payment of taxes and for the collection of unpaid taxes in the town of Hempstead, in the county of Queens," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act to further amend chapter 708 Laws of 1869, entitled 'An act to amend the act entitled An act authorizing the incorporation of rural cemetery associations,' passed April 27, 1847," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Also, a bill entitled "An act in relation to an act entitled 'An act to enable the mayor and common council of Long Island City to borrow money,' passed April 13, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Fort introduced a bill entitled "An act to provide for the appointment of a solicitor of the Canal Department, and to prescribe his duties, and to regulate the employment of counsel for the State in matters relating to the canals," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Judd introduced a bill entitled "An act to incorporate the Staten Island and New Jersey Bridge Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Also, a bill entitled "An act defining the crimes of murder and man-



slaughter, and providing for the punishment thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Osgood introduced a bill entitled "An act to amend an act entitled 'An act to organize a fire department, and board of fire commissioners in the city of Troy,' passed April 13, 1861," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Oakley introduced a bill entitled "An act to incorporate the Queens Railway Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act to amend an act entitled 'An act to revise the charter of Long Island City,' passed April 13, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Hollister introduced a bill entitled "An act to authorize the construction of a bridge over the Glen's Falls feeder, in the village of Glen's Falls, N. Y.," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Loughran introduced a bill entitled "An act to incorporate the 'Humboldt Verein' of Rondout, Ulster county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Woolsey introduced a bill entitled "An act to enable the electors of the town of Esopus to vote by districts for town officers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act to incorporate the New York, Albany and Buffalo Transportation Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Badeau introduced a bill entitled "An act to provide for the repayment of certain moneys paid to the commissioners of Mamaroneck avenue, in Westchester county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

On motion of Mr. Jacobs,

*Resolved*, That Assembly bill No. 384, entitled "An act in relation to the Brooklyn City and Newtown Railroad Company," and Assembly bill No. 245, entitled "An act authorizing the Brooklyn City Railroad Company to extend their tracks," be recommitted to the committee on railroads, retaining their place on general orders.

Mr. Mackay offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That 2,500 copies of the annual report of the institution of deaf-mutes be ordered printed for the use of the trustees of said institution.

*Ordered*, That said resolution be referred to the committee on public printing.

On motion of Mr. Strahan,

*Resolved*, That Assembly bill No. 269, entitled "An act entitled 'An act to amend an act entitled An act to incorporate the city of Newburgh,'



passed April 22, 1865, and of the several acts amendatory thereof," be recommitted to the committee on the affairs of cities for amendment.

Mr. Morton offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That Assembly bill No. 271, general order No. 300, entitled "An act to create a department of city works in the city of Brooklyn, and to abolish the permanent board of water and sewerage commissioners in said city.

Also, Assembly bill No. 331, general order No. 371, entitled, "An act to establish a department of police and health, in and for the city of Brooklyn."

Also, Assembly bill No. 332, general order No. 372, entitled "An act in relation to the fire department of the city of Brooklyn, and to reorganize the same," be made a special order for Tuesday evening next at 7½ o'clock.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Morton moved that the House take a recess until 7½ o'clock P. M.

Mr. Alvord moved that the House do now adjourn.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Alvord.

No quorum being present and voting, the roll was called and the following members were found to be present:

|               |            |           |         |                 |
|---------------|------------|-----------|---------|-----------------|
| Abbott        | Burritt    | Houghton  | Morton  | Springsted      |
| Alberger      | Couchman   | Husted    | Mosher  | Squires         |
| Alvord        | Dykeman    | Jacobs    | Murdock | Strahan         |
| D. L. Babcock | Flammer    | Judd      | Osgood  | Tucker          |
| I. H. Babcock | Ford       | Kennedy   | Pell    | Twombly         |
| Badeau        | Fort       | Kingsland | Pierce  | W. J. Van Dusen |
| Baltz         | Fowler     | Knottles  | Preston | Vedder          |
| Beckwith      | Goss       | Lincoln   | Roche   | Whitbeck        |
| Berri         | Gregory    | Lippitt   | Smiley  | White           |
| E. E. Brown   | Hawkins    | Lott      | Smith   | Whitaker        |
| I. D. Brown   | Herrick    | Loughran  | Smyth   | Woolsey         |
| Buell         | D. B. Hill | Mackay    | Speaker | Yeomans         |
| Burns         | Hollister  | Moore     |         |                 |

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On motion of Mr. Alvord, at 2 o'clock and 45 minutes, the House adjourned.

## SATURDAY, MARCH 16, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Reynolds.

The journal of yesterday was read and approved.

Mr. Hawkins asked that the roll be called, to ascertain if a quorum were present. The roll being called, the following members responded, a quorum being present.

|          |          |          |         |            |
|----------|----------|----------|---------|------------|
| Abbott   | Davidson | Houghton | Mosher  | Speaker    |
| Alberger | Dykeman  | Husted   | Murdock | Springsted |
| Alvord   | Ford     | Hyatt    | Osgood  | Squires    |

|               |            |           |            |                 |
|---------------|------------|-----------|------------|-----------------|
| D. L. Babcock | Fort       | Judd      | Pierce     | Twombly         |
| Badeau        | Goss       | Kennedy   | Rice       | W. J. Van Dusen |
| Baltz         | Green      | Kingsland | Roche      | Vedder          |
| Beckwith      | Greenhalgh | Knapp     | Rose       | Wells           |
| E. E. Brown   | Gregory    | Lewis     | Sage       | White           |
| I. D. Brown   | Haight     | Lincoln   | Shepardson | Whitaker        |
| Buckley       | Hawkins    | Lippitt   | Simson     | Woodward        |
| Buell         | Herrick    | Loughran  | Smith      | Woolsey         |
| Burritt       | A. Hill    | Mackay    | Smyth      | Wyman           |
| Couchman      | D. B. Hill | Marcy     | Sniper     | Yeomans         |
| Crandall      | Hollister  | Morton    | Snyder     |                 |

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The Senate returned the bills entitled as follows :

"An act to amend the charter of the city of Albany, passed March 16, 1870, and the several acts amendatory thereof."

"An act in relation to the law of limited partnerships."

"An act to amend an act entitled 'An act to facilitate the forming of agricultural and horticultural societies,' passed April 13, 1855."

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Baltz presented the petition of the Evangelical Lutheran St. John's Orphan Home, Buffalo, New York, asking for relief; which was read and referred to the committee on ways and means.

Mr. D. B. Hill presented the petition of certain residents of Chemung county, in favor of the exemption of mortgages from taxation; which was read and referred to the committee on ways and means.

Mr. Hollister presented the petition of 300 citizens of Washington county for the construction of a lock at Wilbur's basin, on the Champlain canal; which was read and referred to the committee on canals.

Mr. I. D. Brown presented the petition of citizens of Cayuga county for the passage of the so called Ohio liquor law; which was read and committed to the committee of the whole.

Mr. A. Hill presented the petition of citizens of Greene county, relating to military exemption; which was read and laid on the table.

Mr. Judd presented the petition of citizens of Staten Island for metropolitan police; which was read and referred to the committee on internal affairs.

The Speaker announced the following committee on Congressional apportionment:

Messrs. Husted, Foley, Hawkins, Morton, Judd, Springsted, Buckley, Kingsland, Hollister, Fort, Enos, Chamberlain, Ford, Kennedy, Lott, I. H. Babcock and Wiley.

Mr. Speaker announced the following sub-committee of the whole:

Messrs. Ross, Paige, Twombly, Oakley, Eastman, Herrick, A. Hill, Pierce, Rice, Beckwith, Shepardson, Tucker, Yeomans, Lincoln, Davidson and Knapp.

Mr. Speaker announced the following appointments:

*Additional Messenger*—Ezra Goodwin.

*Speaker's Messenger*—James W. Muir.

The Senate returned the bill entitled "An act to repeal section 27 of chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871, and to amend section 21 of said act," with a message that they have consented to a committee of conference on said bill, and have appointed as such committee on the part of the Senate, Messrs. Chatfield, Harrower and Cock.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows :

"An act to authorize the consolidation of the Rochester, Nunda and Pennsylvania Railroad, with certain other railroads," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to incorporate the Union Stock Yard and Market Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to lay out, open and grade Bay Ridge avenue, in the town of New Utrecht, in the county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to authorize the comptroller of the city of New York to carry into effect certain powers and duties heretofore conferred upon the commissioners of the sinking fund of the said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act authorizing the savings banks of the State of New York to invest a portion of their deposits in the bonds of towns in the State of New Jersey, issued to facilitate the construction of the New York and Oswego Midland railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

The Senate returned the Senate bill entitled "An act to amend an act entitled 'An act to amend an act to incorporate the Savings Bank of the city of Utica,' passed April 26, 1839, passed April 11, 1870," with a message that they non-concurred in the amendment made thereto by the Assembly ; that they have appointed a committee of conference, consisting of Senators Lowery, Woodin and Tiemann, and request a like committee on the part of the Assembly.

Mr. Hungerford moved that a like committee be appointed on part of the Assembly.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Alvord, from the committee on ways and means, to which was referred the bill entitled "An act to amend an act entitled 'An act for the removal of obstructions from the outlet of Cayuga lake and the channel of Seneca river, passed April 13, 1858,' also, an act to amend the same passed April 23, 1862, and an act passed April 23, 1868," reported the same for the consideration of the House, with amendments, and title amended so as to read "An act to amend an act entitled 'An act for the removal of obstructions from the outlet of Cayuga lake and the channel of the Seneca river, passed April 13, 1858,' and the several acts amendatory thereof, being chapter 465, of the Laws of 1862, and chapter 304 of the Laws of 1868," which report was agreed to and said bill committed to the committee of the whole.

Mr. Alvord, from the committee on ways and means, to which was referred the bill entitled "An act to provide for the adjustment and payment for services and disbursements made and rendered for the Seneca nation of Indians by Frank A. Newell, Esq., while attorney for said nation," reported in favor of the passage of the same which report was agreed to, and said bill committed to the committee of the whole.



Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to authorize and require the New York and Harlem Railroad Company to extend their tracks through certain streets and avenues of the city of New York, for the use of their small cars only," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to amend an act entitled 'An act supplementary to the act entitled An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to incorporate the Hunter's Point and Flushing Railroad Company," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to compel the New York Central and Hudson River Railroad Company to construct a bridge over the New York Central and Hudson River Railroad in the town of Riga, Monroe county, for the better protection of the public travel in crossing said railroad," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act providing for the application of the taxes hereafter assessed upon the New York and Oswego Midland Railroad Company in the town of Thompson, Sullivan county, for town purposes, in payment of interest and principal to become due on the bonds executed and hereafter to be issued by the town of Bethel and like bonds issued or to be issued by the village of Monticello, to aid in the construction of the New York and Oswego Midland railroad and its branches, and to provide for the deficiency of town taxes occasioned thereby," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to authorize the South Side Railroad Company of Long Island to build or purchase branches, extend its main line and to purchase the stock of the New York and Flushing Railroad Company, the Far Rockaway Branch Railroad Company, and Rockaway Railway Company of Queens county, N. Y., and of the Hunter's Point and South Side Railroad Company, also of Queens county, and to consolidate the said companies or any two or more of them into one corporation, and also to use steam dummies," reported in favor of the passage of the same with amendments; which report was agreed to and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend chapter 278 of the Laws of 1868, entitled An act in relation to the Erie, New York Central, Hudson River and Harlem Railway Companies,' passed May 20, 1869," reported adversely thereto, which report was agreed to.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to regulate the running of trains and the transporta-

tion of passengers over the New York and Harlem railroad," reported adversely thereto, which report was agreed to.

Mr. Lippitt, from the committee on insurance, to which was referred the bill entitled "An act to provide for retiring the capital stock of certain life insurance companies and distributing the profits of their business among policy holders," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lippitt, from the committee on insurance, to which was referred the Senate bill entitled "An act to amend the charter of the Agricultural Insurance Company, of Watertown, Jefferson county, New York," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Vedder, from the committee on the judiciary, to which was referred the bill entitled "An act to amend section 3 of chapter 19 of Laws of 1821, to perpetuate certain testimony respecting the title of the Poultney estate in this State," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Leave of absence was granted to Messrs. Beckwith, Chamberlain, A. Hill and Hyatt, until Monday evening, and to Messrs. Enos and Tucker indefinitely, on account of sickness.

On motion of Mr. Squires,

*Resolved*, That the Comptroller of this State be required to report to this House, within fifteen days, in a tabular form, the valuation of each of the several counties in this State, for the years 1868, 1869, 1870 and 1871, as fixed by the board of State assessors in each of said years.

Mr. Squires offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That Assembly bill No. 425 of general orders, and printed bill No. 383 entitled "An act for the extension of the Utica, Chenango and Cortland railroad," be considered in the first committee of the whole.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative, two-thirds of all the members present not voting in favor thereof.

Mr. D. B. Hill introduced a bill entitled "An act to amend an act entitled 'An act to enable non-resident guardians to obtain property in this State belonging to their wards residing in other States or territories of the United States,' passed March 10, 1870, and to extend the provisions of said act so as to apply to non-resident trustees and beneficiaries under the trust," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. White introduced a bill entitled "An act to widen and improve a portion of Boerum street, in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Morton introduced a bill entitled "An act to authorize the construction of a railroad in Halsey street, Marcy avenue and certain other streets and avenues in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Kennedy introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the village of Lima, Livingston county,'



passed April 25, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Also, a bill entitled "An act to authorize the construction of a lock-up in the village of Lima, Livingston county, and the assessment of the expense thereof as a tax upon the village of Lima, and the town of Lima, in said county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Goss introduced a bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Judd introduced a bill entitled "An act to incorporate the Staten Island and New Jersey Suspension Bridge and Railroad Company, for the purpose of maintaining and constructing suspension bridges, appurtenances and approaches to the same over the Kill von Kull, at a point or points between the village of New Brighton, Richmond county, and at a point or points at or near about Constable's Point, in the State of New Jersey, and at a point or points over Arthur Kill or Staten Island sound, between the town of Westfield, Richmond county, and Middlesex county, in the State of New Jersey; and also for the purpose of constructing and maintaining a railroad over and across said bridges and to and through the center of Staten Island, Richmond county, to and from the points above named," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Husted introduced a bill entitled "An act to incorporate the Hahneman Medical College of the State of New York, in New York city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

Mr. Squires introduced a bill entitled "An act to authorize boards of supervisors of the several counties in this State to raise money to pay drafted men," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Mr. Buckley, introduced a bill entitled "An act to repeal chapter 245 of the Laws of 1871, entitled 'An act relating to military exemptions,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on militia.

By unanimous consent,

Mr. Knapp, from the committee on internal affairs, to which was referred the bill entitled "An act to provide building sites for life-saving stations on the coast of Long Island," reported in favor of the passage of the same with an amendment; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Husted, from the committee on local and special laws, to which was referred the bill entitled "An act to incorporate the Young Men's Universalist Association of the city of New York," reported that there is no general law applicable to the same, and said bill was replaced on general orders.

Mr. Husted, from the committee on local and special laws, to which



was referred the bill entitled "An act to incorporate the Etna Agricultural and Driving Park Association, for the improvement of stock, the advancement of agriculture and the mechanic arts," reported that the objects desired can be attained by a general law before the House.

Mr. Husted moved to lay said report on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Husted, from the committee on local and special laws, to which was referred the bill entitled "An act to incorporate the Dairymen's Manufacturing Association of Perth," reported adversely thereto, as the object can be attained by an amendment of chapter 657 of the Laws of 1871, now on the general orders.

Mr. Husted moved to lay said report on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Ford introduced a bill entitled "An act to repeal 'An act to authorize the construction of a bridge over the Chenango canal, in the city of Binghamton, at its intersection with Chenango street, in said city,' passed April 7, 1871, and to provide for the construction of an iron bridge over the extension of the Chenango canal, in the city of Binghamton, at its intersection with Robinson street, in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

By unanimous consent,

Mr. Yeomans, from the committee on agriculture, to which was referred the bill entitled "An act to repeal an act entitled 'An act to incorporate the Port Jervis Driving Park Association, and to reorganize a stock association,'" reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Woolsey offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That Assembly bill No. 476, general order No. 536, entitled "An act to repeal chapter 776, of the Laws of 1868, entitled 'An act to vest certain real estate belonging to the State, in the town of Marlborough, Ulster county, and to establish a public highway,' passed May 9, 1868," be considered in the first committee of the whole not full.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative, two-thirds of all the members present not voting in favor thereof.

On motion of Mr. Twombly,

*Resolved*, That the clerk of the supreme court in the city of New York, the clerk of the superior court, and the clerk of the court of common pleas, report each under oath, to this House, without delay, the amount collected or received by them respectively, or their subordinates since the second day of May 1870, under section 2, of chapter 539, of Laws of 1870, entitled "An act in relation to jurors in the city and county of New York;" the title of the causes in which same were paid, the names of the attorney or attorneys paying same; designating the amount in each action, paid before or at the time of placing same on the calendar, and the amount paid on the trial of the cause by the jury; designating, also, how many and which of said causes have been, since said second day of May, 1870, actually tried by jury, and what amount of fees so collected or received by said clerks respectively now remains

in their hands, and if not in their hands, where and how same have been disposed of.

*Resolved*, That said clerk's respectively report to this House, as above directed, the number of causes on the trial calendars of their respective courts, and when the last annual calendar in such court was made up, and how many causes have been finally tried therein since the first day of January, 1871.

On motion of Mr. Yeomans,

*Resolved*, That the Attorney-General be and he is hereby requested to furnish to this House his opinion whether there are any constitutional objections to the abandonment of the Crooked Lake canal, and the sale of the same by this State.

Mr. D. B. Hill called for the consideration of the resolution heretofore offered by Mr. Rose, in the words following, to wit :

*Resolved*, That on and after Tuesday next, this House meet at 10 o'clock A. M., take a recess at 2 P. M. till 7 o'clock P. M., till otherwise ordered by this House.

Mr. D. B. Hill moved to amend by inserting after the words "Tuesday next," the words "the 19th instant," and by striking out the words "take a recess at 2 P. M. till 7 o'clock P. M."

Mr. Husted moved to lay the whole subject on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Hollister offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That Senate bill No. 119, general order 335, entitled "An act to enable the board of education of the village of Salem to borrow or raise by tax money for school purposes, and to provide for the payment thereof with interest, if borrowed by tax on said village," be considered in the first committee of the whole, not full.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative, two-thirds of all the members present not voting in favor thereof.

Mr. Hawkins offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the judiciary committee be discharged from the further consideration of a bill entitled "An act in relation to elections in the city and county of New York, and to provide for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage thereat, and that the same be referred to the committee of the whole.

Said resolution giving rise to debate,

*Ordered*, That the same be laid on the table.

Mr. Yeomans offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That Assembly bill No. 448, general orders 307, entitled "An act to authorize the formation, establishing and maintaining a driving park, park, and agricultural associations," be referred to the first committee of the whole, not full.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative, two-thirds of all the members present not voting in favor thereof.

On motion of Mr. Sage,

*Resolved*, That when this House adjourn to-day, it adjourn to 7½ o'clock Monday evening.



Mr. Springsted offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That Assembly bill 430, general orders 478, entitled "An act to amend title 12 of the charter of the city of Albany, entitled the 'Police Department,' passed March 16, 1870," be considered in the first committee of the whole, not full.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

{ AYES 58 }  
{ NOES 9 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Ford       | Hungerford | Marcy      | Snyder          |
| Alberger      | Fort       | Husted     | Morton     | Springsted      |
| Alvord        | Fowler     | Judd       | Murdock    | Squires         |
| D. L. Babcock | Goss       | Kennedy    | Osgood     | Twombly         |
| Baltz         | Green      | Kingsland  | Pierce     | W. J. Van Dusen |
| Bemus         | Greenhalgh | Knapp      | Rose       | Vedder          |
| E. E. Brown   | Gregory    | Lewis      | Shepardson | Wells           |
| I. D. Brown   | Haight     | Lincoln    | Simson     | White           |
| Burritt       | Hawkins    | Lippitt    | Smith      | Whitaker        |
| Crandall      | Herrick    | Lott       | Smyth      | Woodward        |
| Davidson      | Hollister  | Loughran   | Sniper     | Woolsey         |
| Dykeman       | Houghton   | Mackay     |            |                 |

Those who voted in the negative, were

|         |          |            |        |         |
|---------|----------|------------|--------|---------|
| Badeau  | Couchman | D. B. Hill | Mosher | Yeomans |
| Buckley | A. Hill  | G. P. Lord | Roche  |         |

Mr. Bemus called for the consideration of the resolution heretofore offered by him, as follows:

*Resolved*, That a special committee of seven be appointed by this House to inquire into and take evidence and report to this House as to whether there are combinations and agreements between railroad companies making unlawful discriminations and regulations as to carrying freights, and particularly as to all agreements and combinations between any and all railroad companies in this State and the company known as the South Improvement Company, and that said committee have power to send for and examine persons and papers.

Mr. Bemus moved to strike out the words "a special committee of seven be appointed by the House," and insert in lieu thereof the words, "the committee on roads and bridges."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said resolution, as amended, and it was determined in the affirmative.

Mr. Alberger called from the table the report of the judiciary committee relative to employes of committee on commerce and navigation, in the words following:

Mr. Prince, from the judiciary committee, to which was referred the resolution in the words following:

*Resolved*, That the committee of commerce and navigation, who are directed to investigate the affairs of the quarantine commissioners, the



commission to construct quarantine buildings, the commission of emigration and the health department of the State of New York, be and they are hereby authorized to employ counsel and a stenographer, reported in favor of the passage of the following as a substitute.

*Whereas*, The committee on commerce and navigation are directed to investigate the affairs of the quarantine buildings, the commissioners of emigration and the health department of the city of New York, and the quarantine commissioners;

*And whereas*, It becomes necessary, in the opinion of said committee, to employ a clerk for a sub-committee, and for the aid of the committee generally; therefore, be it

*Resolved*, That the said committee be and they are hereby authorized to employ ——— Johnson as counsel, at a rate not to exceed twenty-five dollars per day, and not to exceed ten days' service; also, to employ Timothy Dyson as clerk to a sub-committee, at the rate of six dollars per day, and not to exceed ten days; and further that the clerk and messenger of such committee are authorized to accompany said committee.

Mr. Alberger moved to amend by striking out all reference to counsel, and insert in its place "Hamilton and Bennett as stenographers, not to exceed fifteen days service at the rate of fifteen cents per folio."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Judd moved to amend said resolution so as to include the investigations relative to the harbor masters, pilot commissioners and seamen's retreat.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said resolution as amended, and it was determined in the negative, a majority of all the members present not voting in favor thereof.

{ AYES 52 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Abbott        | Davidson   | D. B. Hill | Lincoln | Smyth           |
| Alberger      | Dykeman    | Hollister  | Lippitt | Snyder          |
| Alvord        | Ford       | Houghton   | Mackay  | Springsted      |
| D. L. Babcock | Fort       | Hungerford | Marcy   | Squires         |
| Badeau        | Fowler     | Husted     | Morton  | Twombly         |
| Bemus         | Goss       | Judd       | Murdock | W. J. Van Dusen |
| E. E. Brown   | Greenhalgh | Kennedy    | Osgood  | Vedder          |
| I. D. Brown   | Gregory    | Kingsland  | Pierce  | White           |
| Buckley       | Haight     | Knapp      | Rose    | Woodward        |
| Burritt       | Hawkins    | Lewis      | Simson  | Woolsey         |
| Crandall      | Herrick    |            |         |                 |

Mr. Husted moved to reconsider the vote on said resolution, and that said motion be laid on the table.

Mr. Speaker put the question whether the House would agree to said motion to lay on the table, and it was determined in the affirmative.

Mr. Squires offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That there be printed 1,200 copies of the annual report of the State Normal School at Cortland village, for the year ending September 30, 1871, for the use of said school.

*Ordered*, That said resolution be referred to the committee on public printing.

On motion of Mr. Alvord,

*Resolved*, That Assembly bill No. 199, general order 221, being "An act to supply deficiencies in former appropriations, and to pay the indebtedness of the State, which deficiencies and indebtedness have been changed into liabilities for money borrowed to pay them, or into certificates of indebtedness on which the State is now paying interest, and to pay the floating indebtedness of the State, and the estimated liabilities for the present fiscal year not yet provided by law," be taken from the committee of the whole and referred back to the committee on ways and means, retaining its place on the calendar in general orders.

On motion of Mr. Badeau,

*Resolved*, That Assembly bill No. 335, general order No. 376, entitled "An act to repeal an act to grade and macadamize the Westchester turnpike and post-road, appointing commissioners by chapter 549 of the Laws of 1868, and the acts amendatory thereof," be recommitted to the standing committee on roads and bridges, retaining its place on general orders when again reported.

Mr. Buckley offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the Clerk of this House be directed to procure from the publishers ten copies of Cook's Manual of the Highway Laws, for each member of this House.

*Ordered*, That said resolution be referred to the committee on the expenditures of the House.

Mr. Speaker referred the following bills to the committee on local and special laws:

"An act to amend an act entitled 'An act to amend title 16, chapter 8, part 3 of the Revised Statutes, relative to proceedings for the draining of swamps, marshes, and other low or wet lands, and for the draining of farm lands, passed May 12, 1869,' and to authorize commissioners, appointed under said act, to borrow money for the purposes thereof, and to provide for the payment of the same."

"An act to amend an act entitled 'An act to amend an act entitled An act to reduce the number of town officers and town and county expenses, and to prevent abuses in auditing town and county accounts, passed May 10, 1845,' passed December 14, 1847."

"An act to amend the act entitled 'An act to extend the operation and effect of the act passed February 17, 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed April 15, 1871."

"An act to incorporate the Mazzaroth Society of Cortland village, an organization for the promotion of literary, scientific and historic purposes."

"An act to incorporate the Saint Canisius College."

"An act to amend an act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,' passed April 2, 1850."

"An act to amend chapter 463 of the Laws of 1853, entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies.'"

"An act to amend an act to provide for the incorporation of insurance companies, passed June 25, 1853."

"An act to lay out a public highway in the towns of Rutland and Le Roy, in the county of Jefferson."

Senate, "An act to allow the town of Bethany, Genesee county, to raise an increased amount of money for the support of roads and bridges in said town."

Senate, "An act to authorize corporations to hold and convey real estate for business purposes in other States, with the consent thereof."

On motion of Mr. D. B. Hill, at 12 o'clock and 40 minutes, the House adjourned.

## MONDAY, MARCH 18, 1872—7.30 P. M.

The House met pursuant to adjournment.

Mr. Alvord in the chair.

Prayer by the Rev. S. P. Sprecher.

The journal of Saturday, March 16, was read and approved.

The order of business, "presentation of petitions," being announced by the Speaker,

Mr. Moseley moved that all orders of business down to "general orders" be laid upon the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

The House then resolved itself into a committee of the whole on the bills entitled as follows:

"An act to amend chapter 657 of the Laws of 1871, entitled 'An act to amend the act passed February 17, 1848, entitled An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed April 20, 1871."

"An act to authorize the Montour Cemetery Association, of the village of Havana, Schuyler county, New York, to remove the bodies buried in the old burial-ground in said village to the new cemetery of said association, and to vest the title of said old burial-ground in the said association."

"An act to incorporate St. Agnes Cemetery, of Syracuse, New York."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Smith, from said committee, reported in favor of the passage of said first and second mentioned bills, each with an amendment; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Smith, from said committee, also reported progress on said third mentioned bill, and asked leave to sit again.

The question being upon granting leave,

On motion of Mr. Husted, the committee of the whole was discharged from the further consideration of said bill, and the same was ordered engrossed for a third reading.

Mr. Kingsland, offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That Assembly bill No. 242, general order No. 270, entitled "An act establishing a ferry from Barber's Point, in the town of Westport in the county of Essex, across lake Champlain, and to repeal chapter



495 of the Laws of 1871," be considered in the next committee of the whole, not full.

Mr. Moseley moved to amend said motion by adding after the figures "1871," the words, "also, Assembly bill, printed No. 195, general order No. 216 entitled 'An act for the relief of the Coney Island and Brooklyn railroad.'"

Mr. Speaker put the question whether the House would agree to said motion of Mr. Moseley, and it was determined in the affirmative.

Mr. Speaker put the question whether the House would agree to said resolution as amended, and it was determined in the negative, two-thirds of all the members not voting in favor thereof.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to amend an act entitled 'An act for the incorporation of villages,' passed April 20, 1870."

"An act to amend title 12 of the charter of the city of Albany, entitled 'The Police Department,' passed March 16, 1870."

"An act to authorize the extending of certain streets in the city of Brooklyn to the East river and to the permanent bulk-head line, and to provide for the expenses thereof."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Jacobs, from said committee, reported progress on said first mentioned bill, and asked and obtained leave to sit again.

Mr. Jacobs, from said committee, also reported in favor of the passage of said second and third mentioned bills; which report was agreed to, and said bills ordered engrossed for a third reading.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act providing for additional compensation to deputies, clerks and assistants in the various departments of the State government."

Senate, "An act to authorize the Cazenovia and De Ruyter Railroad Company to take increased fare on their road."

"An act for the relief of the Coney Island and Brooklyn Railroad Company."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Goss, from said committee, reported in favor of the passage of said first mentioned bill, with amendments.

The question being on agreeing to said report,

Mr. Rose moved to amend said report by striking out the first section, the same motion having been made in the committee of the whole.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Said report was then agreed to and said bill ordered engrossed for a third reading.

Mr. Goss, from said committee, also reported in favor of the passage of the second mentioned bill; which report was agreed to, and said bill ordered to a third reading.

Mr. Goss, from said committee, also reported in favor of the passage of said third mentioned bill; which report was agreed to and said bill ordered engrossed for a third reading.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act confirming a conveyance of real estate to Dennis Murphy, and authorizing him to hold real estate."

"An act to incorporate the Riverhead Savings Bank."

"An act to provide for supplying the village of Peekskill with water, and authorizing the issue of bonds therefor, and to create a board of water commissioners."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Green, from said committee, reported in favor of the passage of said first mentioned bill; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Green, from said committee, also reported progress on said second mentioned bill, and asked leave to sit again.

The question being upon granting leave,

On motion of Mr. Husted, the committee of the whole was discharged from the further consideration of said bill, and the same was ordered engrossed for a third reading.

Mr. Green, from said committee, also reported progress on said third mentioned bill, and asked leave to sit again.

The question being upon granting leave,

On motion of Mr. Husted, the committee of the whole was discharged from the further consideration of said bill, and the same ordered engrossed for a third reading.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to amend an act entitled 'An act to consolidate and amend the several acts relating to the village of Watkins, and to enlarge the powers of the corporation of said village,' passed April 3, 1861."

"An act to amend an act entitled 'An act to amend the charter of the village of New Rochelle, in the county of Westchester,' passed April 20, 1864."

"An act to encourage the establishment of manufactories in the city of Poughkeepsie."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Geib, from said committee, reported in favor of the passage of said first mentioned bill, with amendments; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Geib, from said committee, also reported progress on said second mentioned bill, and asked leave to sit again.

The question being upon granting leave,

On motion of Mr. Badeau, the committee of the whole was discharged from the further consideration of said bill, and the same was ordered engrossed for a third reading.

Mr. Geib, from said committee, also reported progress on said third mentioned bill, and asked and obtained leave to sit again.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to secure religious ministration to convicts in the State prisons and penitentiaries of this State."

"An act to amend chapter 853 of the Laws of 1867, entitled 'An act to incorporate St. Agnes' Cemetery,' passed May 9, 1867."

"An act for the removal of a certain burial-ground, connected with the Second Reformed Church of Bethlehem, to the Bethlehem Cemetery."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Hawkins, from said committee, reported in favor of the passage of the first and second mentioned bills, the first mentioned with amendments; which report was agreed to, and said bills ordered engrossed for a third reading.



Mr. Hawkins, from said committee, also reported in favor of the passage of said third mentioned bill, with an amendment, and the title amended by inserting after the word "of" the words "bodies and remains of bodies from," which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Squires moved that the House now adjourn.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to amend chapter 348 of the Laws of 1867, being an act to amend an act entitled 'An act to incorporate the Young Men's Christian Association of the city of Poughkeepsie,' passed April 12, 1867."

Senate, "An act to amend chapter 515 of the Laws of 1869, entitled 'An act for the incorporation of the Grand Lodge of the Independent Order of Good Templars of the State of New York,' passed May 3, 1869."

"An act to legalize the acts of Sherman B. Daboll, as notary public of Madison county."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Wells, from said committee, reported progress on said first mentioned bill, and asked leave to sit again.

The question being upon granting leave,

On motion of Mr. Eastman, the committee of the whole was discharged from the further consideration of said bill, and the same was ordered engrossed for a third reading.

Mr. Wells, from said committee, also reported in favor of the passage of said second mentioned bill; which report was agreed to, and said bill ordered to a third reading.

Mr. Wells, from said committee, also reported in favor of the passage of said third mentioned bill, with an amendment; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Moseley moved that the House now adjourn.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act establishing a ferry from Barber's Point, in the town of Westport, in the county of Essex, across Lake Champlain, and to repeal chapter 495 of the Laws of 1871."

"An act to amend an act in relation to the rates of wharfage, and to regulate piers, wharves, bulk-heads and slips, in the cities of New York and Brooklyn, passed May 6, 1870."

"An act to prevent and punish certain fraudulent practices."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Lewis, from said committee, reported in favor of the passage of said first and second mentioned bills, the first mentioned with amendments; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Lewis, from said committee, also reported in favor of the passage of said third mentioned bill, with amendments, and the title amended by adding thereto the following: "in relation to uttering counterfeit money or coin," which report was agreed to, and said bill ordered engrossed for a third reading.



Mr. Woolsey moved that the House do now adjourn.

The question being put, and it being ascertained that no quorum was present.

Mr. Squires moved a call of the House.

Mr. I. D. Brown then moved that the House now adjourn.

Mr. Speaker put the question whether the House would agree to said motion to adjourn, and it was determined in the affirmative.

And at 11 o'clock, the House adjourned.

## TUESDAY, MARCH 19, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. S. P. Sprecher.

The journal of yesterday was read and approved.

Mr. Smyth, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to amend chapter 657 of the Laws of 1871, entitled 'An act to amend the act passed February 17, 1848, entitled An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed April 20, 1871."

"An act to authorize the Montour Cemetery Association of the village of Havana, Schuyler county, New York, to remove the bodies buried in the old burial-ground in said village, to the new cemetery of said association, and to vest the title of said old burial-ground in the said association."

"An act to incorporate St. Agnes Cemetery, of Syracuse, New York."

"An act to amend title 12 of the charter of the city of Albany, entitled the police department, passed March 16, 1870."

"An act to authorize the extending of certain streets in the city of Brooklyn to the East river and to the permanent bulk-head line, and to provide for the expenses thereof."

"An act providing for additional compensation to deputies, clerks and assistants in the various departments of the State government."

"An act for the relief of the Coney Island and Brooklyn Railroad Company."

"An act confirming a conveyance of real estate to Dennis Murphy, and authorizing him to hold real estate."

Mr. Speaker appointed as a committee of conference on the Senate bill entitled "An act to amend an act entitled 'An act to amend an act to incorporate the savings bank of the city of Utica,' passed April 26, 1839, passed April 11, 1870," on the part of the Assembly, Messrs. Hungerford, Squires, Yeomans, Cook, Moseley.

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have appointed a committee of conference thereon.

Mr. Speaker presented a communication from the Comptroller in response to a resolution of the Assembly adopted March 16, relative to the valuation of each of the several counties of this State for the years

1868, 1869, 1870 and 1871, as fixed by the State board of equalization; which was laid on the table and ordered printed.

(See Doc. No. 102.)

The Senate returned the bill entitled "An act entitled 'An act to release to Mary Wheleam the real estate of which John Wheleam died seized, in the town of Canandaigua, county of Ontario,' with a message that they had passed the same with the following amendments:

Section 2, line 4, engrossed bill, strike out the word "or;" same line, after the word "devisee," insert the words "or heir-at-law."

Amend the title by striking out the words "entitled an act."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 90 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Crandall   | Hollister  | Marcy      | Smiley          |
| Aitken        | Davidson   | Houghton   | Moore      | Smith           |
| Alberger      | Dykeman    | Hungerford | Morton     | Smyth           |
| Alvord        | Eastman    | Husted     | Moseley    | Sniper          |
| I. H. Babcock | Foley      | Hyatt      | Mosher     | Squires         |
| Badeau        | Ford       | Jacobs     | Moulton    | D. Tomkins      |
| Beckwith      | Fort       | Judd       | Murdock    | M. M. Tompkins  |
| Bennett       | Fowler     | Kennedy    | Oakley     | Twombly         |
| E. E. Brown   | Geib       | Kilian     | Osgood     | A. L. Van Dusen |
| I. D. Brown   | Goring     | Kingsland  | Pell       | W. J. Van Dusen |
| Buckley       | Goss       | Knapp      | Pierce     | Wells           |
| Buell         | Green      | Knettles   | Ray        | Whitbeck        |
| Burns         | Greenhalgh | Lewis      | Rice       | White           |
| Campbell      | Gregory    | Lincoln    | Roche      | Whitaker        |
| Carroll       | Herrick    | Lippitt    | Rose       | Wiley           |
| Chamberlain   | A. Hill    | G. P. Lord | Sage       | Woodward        |
| Chambers      | D. B. Hill | Lott       | Shepardson | Woolsey         |
| Cook          | Holdridge  | Mackay     | Simson     | Yeomans         |

*Ordered,* That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act for the better prevention of the procurement of abortions and other like offenses, and to amend the laws relative thereto," with a message that they had passed the same, with the following amendments:

Strike out all after the enacting clause, and insert the following:

"SECTION 1. The first section of an act entitled 'An act relating to the procurement of abortions and other like offenses,' passed May 6, 1869, is hereby amended so as to read as follows:

"§ 1. Any person who shall willfully administer to any woman with child, or prescribe for any such woman, or advise or procure her to take any medicine, drug, substance or thing whatever, or shall use or employ, or advise or procure her to submit to the use or employment of any instrument or other means whatever, with intent thereby to produce the miscarriage of any such woman, unless the same shall have been necessary to preserve her life or that of such child, shall, in case the death of such child or of such woman be thereby produced, be deemed guilty of

a felony, and upon conviction shall be punished by imprisonment in a State prison for a term not less than four years or more than twenty years."

"§ 2. Any woman pregnant with child who shall take any medicine, drug, substance or thing whatever, or shall use or employ, or suffer any other person to use or employ, or submit to the use or employment of any instrument or other means whatever, with the intent thereby to produce the miscarriage of the child of which she is so pregnant, unless the same shall have been necessary to preserve her life or that of such child, shall, in case the death of such child shall be thereby produced, be deemed guilty of a felony, and upon conviction shall be punished by imprisonment in the State prison for a term not less than four years or more than ten years.

"§ 3. Every person who shall administer to any pregnant woman, or prescribe for any such woman, or advise or procure any such woman to take any medicine, drug, substance or thing whatever, or manufacture, advertise or sell any such medicine, drug, substance or thing whatever, or shall use or employ any instrument or other means whatever, with intent thereby to procure the miscarriage of any such woman, shall, upon conviction, be punished by imprisonment in a county jail, or in a State prison, not less than one nor more than three years, in the discretion of the court.

"§ 4. Whoever shall unlawfully supply or procure any advice, instruction, medicine, drug, substance or thing whatever, knowing that the same is intended to be unlawfully used or employed, with intent to procure the miscarriage of any woman, whether she be or be not pregnant, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by imprisonment in the county jail not less than three months nor more than one year, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment.

"§ 5. All acts or parts of acts inconsistent with this act are hereby repealed.

"§ 6. This act shall take effect immediately."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Dykeman    | Hollister  | Mackay     | Smyth           |
| Aitken        | Eastman    | Hungerford | Morton     | Sniper          |
| Alberger      | Foley      | Husted     | Moseley    | Snyder          |
| Alvord        | Ford       | Hyatt      | Moulton    | Squires         |
| D. L. Babcock | Fort       | Jacobs     | Murdock    | M. M. Tompkins  |
| I. H. Babcock | Fowler     | Judd       | Oakley     | Twombly         |
| Badeau        | Geib       | Kennedy    | Pell       | A. L. Van Dusen |
| Beckwith      | Goring     | Kilian     | Pierce     | W. J. Van Dusen |
| Bennett       | Goss       | Kingsland  | Ray        | Wells           |
| Blair         | Green      | Knapp      | Roche      | Whitbeck        |
| E. E. Brown   | Greenhalgh | Knettles   | Rose       | White           |
| I. D. Brown   | Gregory    | Lewis      | Sage       | Whitaker        |
| Buckley       | Hawkins    | Lincoln    | Shepardson | Wiley           |



|          |           |            |        |          |
|----------|-----------|------------|--------|----------|
| Buell    | Herrick   | Lippitt    | Simson | Woodward |
| Burns    | A. Hill   | G. P. Lord | Smiley | Woolsey  |
| Cook     | Holdridge | Lott       | Smith  | Yeomans  |
| Davidson |           |            |        |          |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

A message from the Senate was received and read, in the words following :

IN SENATE, *March* 15, 1872.

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill entitled "An act authorizing the Syracuse Northern Railroad Company to extend its road and make certain connections, and mortgage its real estate and personal property ; and certain towns in Onondaga, Oswego and Jefferson counties to issue bonds in aid thereof."

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. D. P. Wood, and by unanimous consent, the same was amended as follows :

Strike out section 2.

Section 3, line 14, strike out all after the word "before," down to and including the word "act," in line 18, and insert the words following: "any mortgage lien under this act created."

And as amended passed, and ordered sent to the Assembly for concurrence.

Mr. Speaker put the question whether the House would agree to reconsider the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three fifths of said members being present.

{ AYES 81 }  
{ NOES 2 }

Those who voted in the affirmative, were

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| Abbott        | Chamberlain | A. Hill   | G. P. Lord | Shepardson      |
| Aitken        | Chambers    | Holdridge | Lott       | Simson          |
| Alberger      | Cook        | Hollister | Mackay     | Smiley          |
| Alvord        | Crandall    | Houghton  | Marcy      | Smith           |
| D. L. Babcock | Davidson    | Husted    | Moore      | Smyth           |
| I. H. Babcock | Dykeman     | Hyatt     | Morton     | Sniper          |
| Badeau        | Eastman     | Jacobs    | Moseley    | Squires         |
| Beckwith      | Ford        | Judd      | Moulton    | M. M. Tompkins  |
| Bennett       | Fort        | Kennedy   | Murdock    | Twombly         |
| Blair         | Fowler      | Kilian    | Oakley     | A. L. Van Dusen |
| E. E. Brown   | Goring      | Kingsland | Pell       | W. J. Van Dusen |
| I. D. Brown   | Goss        | Knapp     | Ray        | Whitbeck        |
| Buckley       | Greenhalgh  | Knettles  | Rice       | White           |
| Buell         | Gregory     | Lewis     | Roche      | Whitaker        |
| Burns         | Hawkins     | Lincoln   | Rose       | Wiley           |
| Campbell      | Herrick     | Lippitt   | Sage       | Woodward        |
| Carroll       |             |           |            |                 |

Those who voted in the negative, were

Foley                      Woolsey

Mr. Speaker then put the question whether the House would agree to the final passage of said bill, as amended, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 76 }  
{ NOES 3 }

Those who voted in the affirmative, were

|               |            |           |            |                 |
|---------------|------------|-----------|------------|-----------------|
| Abbott        | Cook       | A. Hill   | Moore      | Smyth           |
| Aitken        | Couchman   | Holdridge | Morton     | Sniper          |
| Alvord        | Crandall   | Hollister | Mosher     | Snyder          |
| D. L. Babcock | Davidson   | Houghton  | Moulton    | Squires         |
| I. H. Babcock | Dykeman    | Jacobs    | Murdock    | D. Tomkins      |
| Badeau        | Eastman    | Judd      | Oakley     | M. M. Tompkins  |
| Beckwith      | Ford       | Kennedy   | Pell       | Twombly         |
| Bennett       | Fort       | Kilian    | Ray        | A. L. Van Dusen |
| Blair         | Fowler     | Knapp     | Rice       | W. J. Van Dusen |
| E. E. Brown   | Geib       | Knettles  | Roche      | Whitbeck        |
| I. D. Brown   | Goss       | Lewis     | Rose       | White           |
| Buell         | Greenhalgh | Lippitt   | Shepardson | Whitaker        |
| Burns         | Gregory    | Lott      | Simson     | Wiley           |
| Carroll       | Hawkins    | Mackay    | Smiley     | Woodward        |
| Chamberlain   | Herrick    | Marcy     | Smith      | Woolsey         |
| Chambers      |            |           |            |                 |

Those who voted in the negative, were

Alberger      Foley      Husted

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, as amended.

Mr. Foley, from the committee on local and special laws, to which was referred the bill entitled "An act to incorporate the Congregational Church Shed Association," reported adversely thereto, as the objects sought can be attained under a general law now before the Assembly.

On motion of Mr. Husted, said report was laid on the table.

Mr. Foley, from the committee on local and special laws, to which was referred the bill entitled "An act to incorporate the Fordham Laundry Company," reported adversely thereto, as the objects sought can be attained under a general law now before the Assembly.

On motion of Mr. Husted, said report was laid on the table.

By unanimous consent, Mr. Moore presented two remonstrances of taxpayers of the towns of Hammond and Morristown, against an act to legalize the bonding of said town in aid of the Black River and Morristown Railroad Company; which were read and referred to the committee on railroads.

The Clerk announced the appointment of James H. Dunn, of Rensselaer, as Assistant Librarian, in place of Sidney N. Kinney, resigned.

Also, the appointment of F. A. Hatfield, as Messenger.

By unanimous consent, Mr. Ford introduced a bill entitled "An act to authorize the city of Binghamton to use a portion of the Chenango canal for a public street," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on canals.

By unanimous consent, Mr. Ford introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the city of Binghamton,' passed April 9, 1867, and the several acts amending the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Ford introduced a bill entitled "An act to amend an act entitled 'An act to authorize the common council of the city of Binghamton to borrow money for the purpose of purchasing a site for a high school and erecting and furnishing a building thereon,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Ford introduced a bill entitled "An act to authorize the common council of the city of Binghamton to fund a debt incurred by the issue of bonds in the purchasing of stock in the Syracuse and Binghamton railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Prince offered for the consideration of the House a resolution, in the words following, to wit:

*Whereas*, No extra copies of the Governor's annual message have been printed as usual for the use of the Assembly, and the supply printed for the executive department has been long since exhausted; therefore,

*Resolved*, That 3,000 copies of the Governor's annual message in English and 1,000 in German be printed for the use of the Assembly.

*Ordered*, That said resolution be referred to the committee on public printing.

By unanimous consent, Mr. Ray introduced a bill entitled "An act to amend an act entitled 'An act to change the name of the first Universalist Society and Church in the city of Hudson, and to authorize said society to take and hold by gift, grant, devise, purchase or otherwise real and personal estate,' passed March 28, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent Mr. I. D. Brown offered for the consideration of the House a resolution, in the words following, to wit:

*Whereas*, The committee on public health have been ordered to investigate the subject of street cleaning in the city of New York, which will necessitate the taking of a large amount of testimony by said committee in such investigation, therefore, be it

*Resolved*, That said committee is hereby authorized to employ Harry Edwards as stenographer, at a compensation not to exceed 15 cents a folio for taking and transcribing such testimony.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

{ AYES 67 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Cook       | Herrick    | Mackay     | Smiley          |
| Aitken        | Couchman   | Hollister  | Moore      | Sniper          |
| Alberger      | Crandall   | Houghton   | Morton     | Snyder          |
| Alvord        | Davidson   | Hungerford | Mosher     | D. Tomkins      |
| D. L. Babcock | Dykeman    | Hyatt      | Moulton    | M. M. Tompkins  |
| I. H. Babcock | Foley      | Jacobs     | Murdock    | Twombly         |
| Badeau        | Ford       | Judd       | Oakley     | A. L. Van Dusen |
| Beckwith      | Fort       | Kennedy    | Pell       | W. J. Van Dusen |
| Bennett       | Fowler     | Kilian     | Rice       | Whitbeck        |
| E. E. Brown   | Geib       | Kingsland  | Roche      | Whitaker        |
| I. D. Brown   | Goss       | Knettles   | Rose       | Wiley           |
| Buell         | Green      | Lewis      | Shepardson | Woolsey         |
| Campbell      | Greenhalgh | Lincoln    | Simson     | Yeomans         |
| Chambers      | Gregory    |            |            |                 |

Mr. Alberger moved to take from the table the resolution previously offered by him in the words following:



*Whereas*, The committee on commerce and navigation are directed to investigate the affairs of the quarantine buildings, the commissioners of emigration, the health department of the city of New York, the quarantine commissioners, the harbor masters, the pilot commissioners, and Seamen's Retreat; and

*Whereas*, It becomes necessary, in the opinion of said committee, to employ a clerk for a sub-committee, and a stenographer for the aid of the committee generally; therefore, be it

*Resolved*, That the said committee be and they are hereby authorized to employ Hamilton & Bennett as stenographers, not to exceed fifteen days' service, at the rate of fifteen cents per folio; also, to employ Timothy Dyson as clerk to a sub-committee, at the rate of six dollars per day, and not to exceed ten days; and further, that the clerk and messenger of such committee are authorized to accompany said committee.

Mr Speaker put the question whether the House would agree to said motion to take from the table, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to reconsider the vote by which said resolution was lost, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said resolution, and it was determined in the affirmative.

{ AYES 70 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Cook       | Herrick    | Moore      | Sniper          |
| Aitken        | Couchman   | Holdridge  | Morton     | Snyder          |
| Alberger      | Crandall   | Hollister  | Moulton    | Squires         |
| Alvord        | Davidson   | Hungerford | Murdock    | D Tomkins       |
| I. H. Babcock | Dykeman    | Jacobs     | Oakley     | M. M. Tompkins  |
| Badeau        | Eastman    | Judd       | Paige      | Twombly         |
| Beckwith      | Ford       | Kennedy    | Pell       | A. L. Van Dusen |
| Bennett       | Fort       | Kilian     | Rice       | W. J. Van Dusen |
| E. E. Brown   | Geib       | Kingsland  | Roche      | Whitbeck        |
| I. D. Brown   | Goss       | Lincoln    | Rose       | White           |
| Buell         | Green      | Lippitt    | Shepardson | Whitaker        |
| Burns         | Greenhalgh | G. P. Lord | Simson     | Wiley           |
| Carroll       | Gregory    | Mackay     | Smiley     | Woolsey         |
| Chamberlain   | Hawkins    | Marcy      | Smyth      | Yeomans         |

By unanimous consent, Mr. Sniper introduced a bill entitled "An act to amend chapter 80 of the Laws of 1870, entitled 'An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York and for the public defense, and entitled the 'Military Code,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the militia.

By unanimous consent, Mr. Foley introduced a bill entitled "An act to amend, extend and continue an act entitled 'An act to incorporate the Bankers' Life Insurance and Trust Company of New York,' passed May 6, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Foley introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the Erie Basin Dock Company, in the city of Brooklyn,' passed April 11, 1864," which

was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. Husted introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the Real Estate Trust Company of the city of New York,' passed April 14, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Wells introduced a bill entitled "An act to amend chapter 57 of the Laws of 1860, entitled 'An act conferring additional powers and duties on courts of special sessions in the county of Monroe, and all acts amendatory thereof and supplementary thereto,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Hart introduced a bill entitled "An act to incorporate the Medina Driving Park Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture:

By unanimous consent, Mr. Badeau introduced a bill entitled "An act for the completion of Westchester avenue, in the towns of White Plains, Harrison and Rye, in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Whitbeck introduced a bill entitled "An act in relation to notices of suits in equity," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Whitbeck introduced a bill entitled "An act to amend an act passed April 7, 1848, entitled 'An act to provide for taking the acknowledgment of deeds and other written instruments by persons residing out of the State of New York,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. I. H. Babcock introduced a bill entitled "An act to incorporate the Soldier's Monument Society of Niagara county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Lippitt introduced a bill entitled "An act to prohibit catching speckled trout in the county of Madison for the period of three years," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Shepardson introduced a bill entitled "An act to increase the number of trustees of Oxford Academy," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

By unanimous consent, Mr. Mosher introduced a bill entitled "An act to amend an act entitled 'An act to provide for the appointment of police commissioners in the village of Green Island, Albany county, and to establish a police force therein,' passed April 20, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Smiley offered for the consideration of the House a resolution, in the words following, to wit :

*Whereas*, The committee on public printing have been ordered to investigate the subject of public printing and the purchases of stationery made for the various State departments, in which a large mass of testimony has been and is being taken ; therefore,

*Resolved*, That said committee on public printing be authorized and instructed to employ Harry Edwards as stenographer to take such testimony at an expense not exceeding fifteen cents a folio for taking and transcribing the same.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

{ AYES 79 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Abbott        | Cook       | A. Hill    | Lippitt | Smyth           |
| Aitken        | Couchman   | Holdridge  | Mackay  | Sniper          |
| Alberger      | Crandall   | Hollister  | Marcy   | Snyder          |
| Alvord        | Davidson   | Houghton   | Moore   | Squires         |
| I. H. Babcock | Dykeman    | Hungerford | Morton  | D. Tomkins      |
| Badeau        | Eastman    | Husted     | Moseley | M. M. Tompkins  |
| Beckwith      | Ford       | Hyatt      | Moulton | Twombly         |
| Bennett       | Fort       | Jacobs     | Murdock | A. L. Van Dusen |
| E. E. Brown   | Fowler     | Judd       | Pell    | W. J. Van Dusen |
| I. D. Brown   | Goring     | Kennedy    | Pierce  | Whitbeck        |
| Buckley       | Goss       | Kilian     | Ray     | White           |
| Buell         | Green      | Kingsland  | Roche   | Whitaker        |
| Burns         | Greenhalgh | Knapp      | Rose    | Wiley           |
| Campbell      | Gregory    | Knettles   | Sage    | Woolsey         |
| Chamberlain   | Hawkins    | Lewis      | Simson  | Yeomans         |
| Chambers      | Herrick    | Lincoln    | Smiley  |                 |

Those who voted in the negative, were

Blair

On motion of Mr. Enos,

*Resolved*, That Assembly bill No. 116, entitled "An act to enable the electors of the town of Wilna, Jefferson county, New York, to vote by districts for town officers," be referred back to the committee for amendments, and retain its place on general orders.

The House then resolved itself into a committee of the whole on the bills entitled as follows :

"An act to amend an act entitled 'An act to incorporate the Bushwick and Newtown Bridge and Turnpike Road Company,' passed April 26, 1836."

Senate, "An act to amend an act entitled 'An act incorporating the Goshen Savings Bank,' passed April 11, 1871."

"An act to amend an act entitled 'An act to incorporate the New York Life Insurance and Trust Company,' passed March 9, 1830, and the act amendatory thereof, passed May 2, 1834."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Burritt, from said committee, reported progress on said first mentioned bill, and asked leave to sit again.

The question being upon granting leave,



Mr. Bennett moved to discharge the committee of the whole from the further consideration of said bill, and that the enacting clause of the same be stricken out.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Burritt, from said committee, also reported in favor of the passage of said second mentioned bill; which report was agreed to, and said bill ordered to a third reading.

Mr. Burritt, from said committee, also reported in favor of the passage of said third mentioned bill, with an amendment.

The question being on agreeing to said report,

Mr. Mackay moved to disagree with said report and that said bill be recommitted to the committee on banks, with instructions to strike out the enacting clause.

Mr. Speaker put the question whether the House would agree to said motion to recommit, and it was determined in the negative.

{ AYES 20 }  
{ NOES 66 }

Those who voted in the affirmative, were

|               |          |         |            |          |
|---------------|----------|---------|------------|----------|
| Abbott        | Chambers | Eastman | Hollister  | Mackay   |
| Aitken        | Cook     | Enos    | Hungerford | Paige    |
| Alberger      | Couchman | Goss    | Lincoln    | Roche    |
| I. H. Babcock | Crandall | Herrick | G. P. Lord | Woodward |

Those who voted in the negative, were

|             |            |           |         |                 |
|-------------|------------|-----------|---------|-----------------|
| Alvord      | Fort       | Kennedy   | Moulton | Snyder          |
| Badeau      | Fowler     | Kilian    | Murdock | Springsted      |
| Beckwith    | Geib       | Kingsland | Oakley  | Squires         |
| Bennett     | Greenhalgh | Knapp     | Osgood  | D. Tomkins      |
| E. E. Brown | Gregory    | Knettles  | Pell    | M. M. Tompkins  |
| I. D. Brown | Hawkins    | Lewis     | Ray     | Twombly         |
| Buckley     | A. Hill    | Lippitt   | Rice    | A. L. Van Dusen |
| Burns       | Holdridge  | Lott      | Rose    | W. J. Van Dusen |
| Carroll     | Houghton   | Marcy     | Sage    | Whitbeck        |
| Chamberlain | Husted     | Moore     | Simson  | White           |
| Davidson    | Hyatt      | Morton    | Smith   | Whitaker        |
| Dykeman     | Jacobs     | Moseley   | Smyth   | Woolsey         |
| Foley       | Judd       | Mosher    | Sniper  | Yeomans         |
| Ford        |            |           |         |                 |

Mr. Speaker then put the question whether the House would agree to said report, and it was determined in the affirmative.

*Ordered*, That said bill be engrossed for a third reading.

Mr. Ray offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That Assembly bill No. 439, general order No. 487, entitled "An act to provide for supplying the city of Hudson, Columbia county, New York, with pure and wholesome water," be considered in the next committee of the whole, not full.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative, two-thirds of all the members present not voting in favor thereof.

The bill entitled "An act relating to the Erie Railway Company, repealing chapter 916 of the Laws of 1869, so far as relates to the classification of directors of the Erie Railway Company, and providing regulations relating to the elections of directors of said company and the transfer of its stock," being called on general orders, on motion of Mr. Alvord

(from the Chair), said bill was recommitted to the committee on railroads, with instructions to strike out the enacting clause.

On motion of Mr. Eastman, and by unanimous consent, Senate bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to provide for a supply of water in the city of Poughkeepsie, and for sewers therein, passed April 12, 1867,' passed April 9, 1870, and to amend section 1 of chapter 594 of the Laws of 1871," was substituted for Assembly bill with same title and on same subject.

The House again resolved itself into a committee of the whole on the bills entitled as follows :

Senate, "An act to amend an act entitled 'An act to amend an act entitled An act to provide for a supply of water in the city of Poughkeepsie, and for sewers therein,' passed April 12, 1867, passed April 9, 1870, and to amend section 1 of chapter 594 of the Laws of 1871."

"An act to confer upon Horace C. Tracy and Peter Fish the right to establish a ferry across Cayuga lake, and to extend in their behalf an act to establish such ferry, passed April 5, 1844, and extended by chapter 31, Laws of 1858, to Horace C. Tracy and Isaac A. Brokaw, for the term of fourteen years from the 5th day of April, 1858."

"An act ceding jurisdiction to the United States over certain lands in the counties of Niagara and Erie that may be occupied for the construction and maintenance of a ship canal around the falls of Niagara."

And after some time spent therein Mr. Speaker resumed the chair, and Mr. M. M. Tompkins, from said committee, reported progress on said first mentioned bill, and asked leave to sit again.

The question being upon granting leave,

On motion of Mr. Eastman, the committee of the whole was discharged from the further consideration of said bill, and the same was ordered to a third reading.

Mr. M. M. Tompkins, from said committee, also reported in favor of the passage of said second mentioned bill ; which report was agreed to ; and said bill ordered engrossed for a third reading.

Mr. M. M. Tompkins, from said committee, also reported progress on said third mentioned bill, and asked and obtained leave to sit again.

Mr. Fort moved that said bill be made a special order for this evening immediately after the consideration of the special orders previously ordered.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

The House again resolved itself into a committee of the whole on the bills entitled as follows :

"An act to enable Ezra Cornell to found a public library and literary institution in the village of Ithaca, and to incorporate the same," passed April 5, 1864."

"An act to amend section 3 of chapter 533 of Laws of 1867, entitled 'An act for the relief of the Van Brunt Street and Erie Basin Railroad Company.'"

"An act to authorize the extension and construction of railroad tracks in Tenth street, and other streets and avenues in the city of New York."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Moore, from said committee, reported in favor of the passage of said first mentioned bill, with an amendment ; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Moore, from said committee, also reported that they had stricken out the enacting clause of said second mentioned bill.

Mr. White moved to disagree with said report, and that that motion lay on the table.

Mr. Speaker put the question whether the House would agree to said motion to lay on the table, and it was determined in the affirmative.

Mr. Moore, from said committee, also reported progress on said third mentioned bill, and asked and obtained leave to sit again.

On motion of Mr. Twombly, at 2 o'clock and 10 minutes, the House took a recess until 7½ P. M.

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### HALF-PAST SEVEN O'CLOCK P. M.

The House again met.

By unanimous consent, Mr. Prince introduced a bill entitled "An act to amend section 3 of chapter 364 of the Laws of 1871, entitled 'An act to provide for the purchase of a new school house site, and for the erection of a school house thereon in school district No. 3, at Whitestone, in the town of Flushing in Queens county, and for the sale of the present school house and site in said district,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

A message from the Senate was received and read, in the words following, to wit:

IN SENATE, *March 19, 1872.*

*Resolved* (if the Assembly concur), That a respectful message be sent to His Excellency the Governor requesting him to return Senate bill No. 6, entitled "An act to amend an act in relation to stenographers in the circuit courts, courts of oyer and terminer, and special terms, in the sixth, seventh and eighth judicial districts, and to repeal chapter 41, of the Laws of 1867, and chapter 672 of the Laws of 1869," for amendments.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing that the Assembly have passed the same.

By unanimous consent, Mr. Ford introduced a bill entitled "An act in relation to the supreme court library," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the judiciary.

By unanimous consent, Mr. Alberger introduced a bill entitled "An act to authorize the city of Buffalo to borrow money and to subscribe to the capital stock of the Buffalo and Jamestown Railroad Company," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Alberger, and by unanimous consent, said bill was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.



{ AYES 78 }  
{ NOES 2 }

Those who voted in the affirmative, were

|               |          |           |            |                 |
|---------------|----------|-----------|------------|-----------------|
| Aitken        | Couchman | Healy     | Marcy      | Smiley          |
| Alberger      | Crandall | A. Hill   | Morton     | Smith           |
| Alvord        | Davidson | Holdridge | Mosher     | Smyth           |
| I. H. Babcock | Dykeman  | Hollister | Moulton    | Sniper          |
| Badeau        | Eastman  | Houghton  | Murdock    | Springsted      |
| Baltz         | Enos     | Husted    | Oakley     | Swain           |
| Bennett       | Fields   | Jacobs    | Paige      | D. Tomkins      |
| Blair         | Ford     | Judd      | Pierce     | Twombly         |
| E. E. Brown   | Fort     | Kennedy   | Preston    | A. L. Van Dusen |
| I. D. Brown   | Fowler   | Kilian    | Ray        | W. J. Van Dusen |
| Buell         | Geib     | Kingsland | Rice       | White           |
| Burns         | Goss     | Knettles  | Rose       | Whitaker        |
| Carroll       | Green    | Lewis     | Sage       | Woodward        |
| Chamberlain   | Gregory  | Lincoln   | Shepardson | Woolsey         |
| Chambers      | Haight   | Lott      | Simson     | Yeomans         |
| Cook          | Hawkins  | Mackay    |            |                 |

Those who voted in the negative, were

Moseley      Roche

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

On motion of Mr. Fields, and by unanimous consent, Assembly rule 40 was amended so that the last clause of the paragraph next following subdivision 8 shall read as follows :

“Every bill shall be read through in said committee before the yeas and nays are taken upon the proposition to report any bill to the House. An affirmative vote of a majority of the committee shall be necessary for that purpose.”

By unanimous consent, Mr. Loughran introduced a bill entitled “An act to amend chapter 190 of the Laws of 1860, entitled ‘An act extending to Oliver A. Field the right to establish and maintain a ferry across the Hudson river,’ passed April 6, 1860,” which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

By unanimous consent, Mr. A. Hill introduced a bill entitled “An act to incorporate the Catskill Water Company,” which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the affairs of villages.

Mr. Speaker announced the special order, being the bills entitled as follows :

“An act in relation to the fire department of the city of Brooklyn, and to reorganize the same.”

“An act to establish a department of police and health in and for the city of Brooklyn.”

“An act to create a department of city works in the city of Brooklyn, and to abolish the permanent board of water and sewerage commissioners in said city.”

The House again resolved itself into a committee of the whole on the bills entitled as follows :

“An act to establish a department of police and health in and for the city of Brooklyn.”

"An act to create a department of city works in the city of Brooklyn, and to abolish the permanent board of water and sewerage commissioners in said city."

"An act in relation to the fire department of the city of Brooklyn, and to reorganize the same."

And after some time spent therein, the Speaker resumed the chair, and Mr. Eastman, from said committee, reported progress on said first mentioned bill, and asked leave to sit again.

The question being upon granting leave,

On motion of Mr. Morton, the committee of the whole was discharged from the further consideration of said bill, and the same was ordered engrossed for a third reading.

Mr. Eastman, from said committee, also reported in favor of the passage of said second and third mentioned bills, the second mentioned with an amendment, the third mentioned with amendments; which report was agreed to, and said bills ordered engrossed for a third reading.

On motion of Mr. Fields, at 10 o'clock and 5 minutes, the House adjourned.

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### WEDNESDAY, MARCH 20, 1872.

The House met pursuant to adjournment.

Mr. Alvord in the chair.

Prayer by the Rev. Mr. Kelsay.

The journal of yesterday was read and approved.

Mr. Smyth, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to incorporate the Riverhead Savings Bank."

"An act to provide for supplying the village of Peekskill with water, and authorizing the issue of bonds therefor, and to create a board of water commissioners."

"An act to amend an act entitled 'An act to consolidate and amend the several acts relating to the village of Watkins, and to enlarge the powers of the corporation of said village,' passed April 3, 1861."

"An act to amend an act entitled 'An act to amend the charter of the village of New Rochelle, in the county of Westchester,' passed April 20, 1864."

"An act to secure religious ministration to convicts in the State prisons and penitentiaries of this State."

"An act to amend chapter 853 of the Laws of 1867, entitled 'An act to incorporate St. Agnes' Cemetery,' passed May 9, 1867."

"An act for the removal of bodies and remains of bodies from a certain burial-ground connected with the Second Reformed Church of Bethlehem, to the Bethlehem Cemetery."

"An act to amend chapter 348 of the Laws of 1867, being an act to amend an act entitled 'An act to incorporate the Young Men's Christian Association of the city of Poughkeepsie,' passed April 12, 1867."

"An act to legalize the acts of Sherman B. Daboll, as notary public of Madison county."

"An act establishing a ferry from Barber's Point, in the town of Westport, in the county of Essex, across Lake Champlain, and to repeal chapter 495 of the Laws of 1871."

"An act to amend an act in relation to the rates of wharfage, and to regulate piers, wharves, bulk-heads and slips, in the cities of New York and Brooklyn, passed May 6, 1870."

"An act to prevent and punish certain fraudulent practices."

"An act to amend an act entitled 'An act to incorporate the New York Life Insurance and Trust Company,' passed March 9, 1830, and the act amendatory thereof, passed May 2, 1834."

"An act to confer upon Horace C. Tracy and Peter Fish the right to establish a ferry across Cayuga lake, and to extend in their behalf an act to establish such ferry, passed April 5, 1844, and extended by chapter 31, Laws of 1858, to Horace C. Tracy and Isaac A. Brokaw, for the term of fourteen years from the 5th day of April, 1858."

"An act to amend 'An act to enable Ezra Cornell to found a public library and literary institution in the village of Ithaca, and to incorporate the same,' passed April 5, 1864."

Mr. Husted, from the committee on local and special laws, to which was referred the bill entitled "An act to incorporate the Saint Canisius College," reported that there is no general law applicable to the same.

*Ordered*, That said bill be replaced on general orders.

Mr. Husted, from the committee on local and special laws, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to reduce the number of town officers and town and county expenses, and to prevent abuses in auditing town and county accounts,' passed May 10, 1845, passed December 14, 1847," reported that there is no general law applicable to the same.

*Ordered*, That said bill be placed on the preferred calendar.

Mr. Husted, from the committee on local and special laws to which was referred the Senate bill entitled "An act to amend an act passed May 10, 1870, entitled 'An act to amend an act entitled An act to provide for the incorporation of villages, passed December 7, 1847, and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge, and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village," reported that there is no general law applicable to the same.

*Ordered*, That said bill be replaced on general orders.

Mr. Husted, from the committee on local and special laws, to which was referred the Senate bill entitled "An act to authorize corporations to hold and convey real estate for business purposes, in other States, with consent thereof," reported that there is no general law applicable to the same.

*Ordered*, That said bill be placed on the preferred calendar.

Mr. Lincoln, from the committee on local and special laws, to which was referred the bill entitled "An act to lay out a highway in the towns of Rutland and Le Ray, in the county of Jefferson," reported that there is no general law applicable to the same.

*Ordered*, That said bill be replaced on general orders.

Mr. Lincoln, from the committee on local and special laws, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,'



passed April 2, 1850," reported that there is no general law applicable to the same.

*Ordered,* That said bill be placed on the preferred calendar.

Mr. Lincoln, from the committee on local and special laws, to which was referred the bill entitled "An act to amend an act to provide for the incorporation of insurance companies, passed June 25, 1853," reported that there is no general law applicable to the same.

*Ordered,* That said bill be placed on the preferred calendar.

Mr. Lincoln, from the committee on local and special laws, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend title 16, chapter 8, part 3 of the Revised Statutes, relative to proceedings for the draining of swamps, marshes, and other low or wet lands, and for the draining of farm lands, passed May 12, 1869,' and to authorize commissioners, appointed under said act, to borrow money for the purposes thereof, and to provide for the payment of the same," reported that there is no general law applicable to the same.

*Ordered,* That said bill be placed on the preferred calendar.

The Senate sent for concurrence the bills entitled as follows:

"An act making provision for the support of the Albany City Dispensary," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

"An act releasing the interest of the people of the State of New York in certain real estate to the Five Points House of Industry," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to repeal an act entitled 'An act to provide for a police court-house in the ninth judicial district in the city of New York,' passed April 27, 1870; also, to repeal an act entitled 'An act to provide for the completion of the court-house for the ninth judicial district of the city of New York,' passed February 17, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend the charter of the National Burglar Insurance Company of the city of New York, passed May 8, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to incorporate the German United Evangelical Protestant Synod of the East," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to incorporate the Board of Home Missions of the Presbyterian Church in the United States of America, and to enable the Presbyterian Board of Home Missions, formerly the Presbyterian Committee of Home Missions, to transfer its property to said new corporation, and to vest in such new corporation the corporate rights, franchises and privileges of the former body, and also to enable said new corporation to accept a transfer of the property of the Trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America, and to become the legal successor of the said last mentioned corporation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to amend an act entitled 'An act to incorporate the Safe

Deposit Company of the city of Rochester," passed May 30, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

"An act to authorize the Ridgefield and New York Railroad Company to extend their road through the towns of Lewisboro, Poundridge and Rye, in the county of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to provide for the improvement of the hydraulic power of the Little Salmon river, in Franklin county, and to check freshets therein," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to make provision for the local government of the city and county of New York for the year 1872," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

A message from the Senate was received and read, informing of concurrence in the passage of the bills entitled as follows:

"An act to amend an act entitled 'An act to incorporate the Haverstraw Savings Bank, of the town of Haverstraw, in the county of Rockland,' passed April 27, 1871."

"An act to provide for the purchase of a steam fire-engine in the village of Tonawanda, Erie county, and for the more effectual protection of said village against fires."

"An act to amend an act entitled 'An act to incorporate the village of Chateaugay, in the county of Franklin, chapter 413, Laws of 1869,' and an act amendatory thereof."

"An act to authorize the Buffalo and Springville Railroad Company to change the terminus of their road."

"An act to authorize the descent of real estate to female citizens of the United States and their descendants, notwithstanding their marriage with aliens."

"An act to extend the time for organizing the Niagara Water-works Company."

"An act to incorporate the 'New Rochelle Mænnerchor.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate returned the Senate bill entitled as follows:

"An act authorizing the Syracuse Northern Railroad Company to extend its road and make certain connections, and mortgage its real estate and personal property; and certain towns in Onondaga, Oswego and Jefferson counties to issue bonds in aid thereof."

*Ordered*, That the Clerk return said bill to the Senate.

The Senate returned the bill entitled as follows:

"An act to release to Mary Whelelean the real estate of which John Whelelean died seized, in the town of Canandaigua, county of Ontario."

*Ordered*, That the Clerk deliver said bill to the Governor.

The committee on internal affairs reported the bill which was recalled from the Governor, entitled "An act to extend the provisions of chapter 113, of the Laws of the year 1853, entitled 'An act declaring Indian river a public highway,'" with the following amendment:

Insert in section 1, last line, after the word "Wilna," the following words: "Provided that any and all parties, before using said river as a public highway, shall execute a bond approved by a majority of the

town boards of the towns of Antwerp and Wilna, in Jefferson county, and Diana in Lewis county, and deliver the same at the town clerks' offices of the respective aforesaid towns, and to be there filed as a good and sufficient security against any and all damages that may be done to any and all property, public or private, such as bridges, booms, dams, mills, machinery, etc., etc., that are now or may hereafter be erected on said river by using it as a public highway."

Mr. Speaker put the question whether the House would agree to the final passage of said bill as amended, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |           |            |         |                 |
|---------------|-----------|------------|---------|-----------------|
| Aitken        | Dykeman   | Hollister  | Marcy   | Smiley          |
| Alberger      | Eastman   | Houghton   | Moore   | Smith           |
| Alvord        | Enos      | Hungerford | Morton  | Smyth           |
| I. H. Babcock | Ford      | Husted     | Mosher  | Sniper          |
| Baltz         | Fort      | Hyatt      | Murdock | Springsted      |
| Beckwith      | Fowler    | Jacobs     | Oakley  | D. Tomkins      |
| Berri         | Geib      | Kennedy    | Osgood  | M. M. Tompkins  |
| Blair         | Goring    | Kilian     | Paige   | A. L. Van Dusen |
| E. E. Brown   | Goss      | Kingsland  | Pierce  | W. J. Van Dusen |
| I. D. Brown   | Green     | Knettles   | Preston | Wells           |
| Buell         | Gregory   | Lewis      | Ray     | Whitbeck        |
| Burritt       | Haughton  | Lincoln    | Rice    | White           |
| Cook          | Hawkins   | Lippitt    | Roche   | Whitaker        |
| Couchman      | Healy     | G. P. Lord | Rose    | Wiley           |
| Crandall      | Herrick   | Lott       | Sage    | Woodward        |
| Davidson      | Holdridge | Mackay     | Simson  | Woolsey         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate returned the bill entitled "An act to amend an act entitled 'An act to revise and amend an act entitled An act to incorporate the village of Canton,' passed May 13, 1845, and the several acts amendatory thereof, passed April 22, 1865, and amended April 6, 1871," with a message that they had passed the same with the following amendment:

Add as section 2:

"§ 2. This act shall take effect immediately."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |            |         |            |
|---------------|----------|------------|---------|------------|
| Aitken        | Crandall | Holdridge  | Mackay  | Simson     |
| Alberger      | Davidson | Hollister  | Marcy   | Smiley     |
| Alvord        | Dunphy   | Houghton   | Moore   | Smith      |
| I. H. Babcock | Dykeman  | Hungerford | Morton  | Smyth      |
| Badeau        | Eastman  | Husted     | Mosher  | Sniper     |
| Baltz         | Ford     | Jacobs     | Moulton | Springsted |
| Beckwith      | Fort     | Kennedy    | Murdock | D. Tomkins |



|             |         |            |         |                 |
|-------------|---------|------------|---------|-----------------|
| Bennett     | Fowler  | Kilian     | Oakley  | M. M. Tompkins  |
| Blair       | Geib    | Kingsland  | Osgood  | Twombly         |
| E. E. Brown | Goss    | Knapp      | Pierce  | A. L. Van Dusen |
| I. D. Brown | Green   | Knettles   | Preston | W. J. Van Dusen |
| Buell       | Gregory | Lewis      | Ray     | Wells           |
| Burns       | Haight  | Lincoln    | Rice    | Whitbeck        |
| Burritt     | Hawkins | Lippitt    | Roche   | Whitaker        |
| Cook        | Healy   | G. P. Lord | Rose    | Woodward        |
| Couchman    | Herrick | Lott       | Sage    | Woolsey         |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

The Senate returned the bill entitled "An act to amend an act passed May 3, 1870, entitled 'An act to incorporate the city of Troy,' passed April 12, 1816, and the several acts amendatory thereto, and also to amend other acts relating to the city of Troy," with a message that they had passed the same with the following amendments:

Page 4, engrossed bill, line 2, strike out the word "the" and insert the word "be."

Page 9, engrossed bill, line 11, after the word "bidder" insert the words "the common council shall designate not to exceed three newspapers having the largest circulation in the city in which such advertising shall be only on the order of the common council."

Page 28, engrossed bill, section 1, line 4, strike out the words "except as modified in this section."

Page 62, engrossed bill, line 3, strike out the word "if" and insert the word "or."

Page 63, engrossed bill, last line but one from bottom, strike out the letter "s" from the word "clothing."

Title 6, strike out section 3.

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 76 }  
{ NOES 3 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Davidson   | Hollister  | Moore      | Smiley          |
| Alberger      | Dunphy     | Houghton   | Morton     | Smith           |
| Alvord        | Dykeman    | Hungerford | Mosher     | Smyth           |
| I. H. Babcock | Eastman    | Husted     | Moulton    | Sniper          |
| Badeau        | Enos       | Hyatt      | Murdock    | Snyder          |
| Baltz         | Fort       | Kennedy    | Osgood     | Springsted      |
| Beckwith      | Fowler     | Kilian     | Paige      | D. Tomkins      |
| Bennett       | Geib       | Kingsland  | Pell       | M. M. Tompkins  |
| E. E. Brown   | Green      | Knettles   | Pierce     | Twombly         |
| I. D. Brown   | Greenhalgh | Lewis      | Preston    | A. L. Van Dusen |
| Buckley       | Gregory    | Lincoln    | Ray        | W. J. Van Dusen |
| Buell         | Hawkins    | Lippitt    | Rice       | Wells           |
| Burritt       | Healy      | Loughran   | Rose       | White           |
| Cook          | Herrick    | Mackay     | Shepardson | Whitaker        |
| Couchman      | Holdridge  | Marcy      | Simson     | Woodward        |
| Crandall      |            |            |            |                 |

Those who voted in the negative, were

|        |       |        |
|--------|-------|--------|
| Aitken | Blair | Jacobs |
|--------|-------|--------|

*Ordered*, That the Clerk deliver said bill to the Senate, with a message informing of concurrence in their amendments.

The private secretary of the Governor appeared in the Assembly chamber and presented a communication from the Governor, in the words following:

EXECUTIVE CHAMBER,  
ALBANY, *March 20, 1872.* }

*To the Assembly:*

I return, without approval, Assembly bill No. 37, entitled "An act to amend an act to incorporate the Port Chester Savings Bank, passed March 14, 1865."

The bill provides that it shall be lawful for the bank to invest twenty per cent of its assets in county, town or village bonds, and also to lend ten per cent of its assets upon the pledge of town or village bonds, so that, in all, thirty per cent of its total assets may be in the class of securities above described. The general town bonding law has a provision in it allowing savings banks to invest ten per cent of their deposits in bonds issued to further the building of railroads; which was a general act applying to all the savings banks in the State.

It may be presumed that, on the passage of that act, applying, as it does, to all the savings banks of the State, the Legislature gave to the question involved in the present bill more careful consideration than would be likely to be bestowed upon it when presented, as now, in a case in which the interest of one bank only is involved.

The Legislature cannot be too careful in providing, by proper restrictions, for the safety of the money deposited with this class of institutions. They are created for the benefit of those who have no direct interest in speculative enterprises, and whose accumulations are savings from the wages received for labor. They should be managed exclusively with reference to the interests of that portion of our population who live by the wages of labor, and other persons of small means, and, to that end, the assets of savings banks should always consist of investments of the highest ultimate security, and of such as are least likely to fluctuate in value. It is also important that a large portion of their assets should be of such a nature that, at any time, or under any circumstances, they can be sold readily in the public market. While the bonds of towns and villages may be perfectly safe as a permanent investment, they are not of that class of securities which are daily bought and sold in our large markets, and cannot, therefore, be counted upon to be converted into money promptly, at a time of difficulty or of unusual demand upon the savings banks from their depositors. I have submitted the bill to the Superintendent of the Banking Department, who thinks it not advisable that the limitation now imposed upon the savings banks generally, restricting their investments in town bonds to ten per cent of their assets, should be enlarged, and I concur in his views.

The bill would be objectionable, in my judgment, if it applied to all savings banks; and is also objectionable because it specially exempts this one bank from the restrictions which have been by law imposed on all of these institutions.

Occurrences within the past year have shown that our laws cannot be made too rigid in restraining savings banks from investing the money of their depositors in any but the very best class of securities.

JOHN T. HOFFMAN.

On motion of Mr. Badeau, said message was laid upon the table.

Pursuant to the ninth joint rule, Mr. Speaker announced the order of business third reading of bills.

The bill entitled "An act to amend chapter 657 of the Laws of 1871, entitled 'An act to amend the act passed February 17, 1848, entitled An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed April 20, 1871," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Abbott        | Chambers   | Healy      | Mackay  | Shepardson      |
| Aitken        | Couchman   | Holdridge  | Marcy   | Smiley          |
| Alberger      | Crandall   | Hollister  | Moore   | Smith           |
| Alvord        | Davidson   | Houghton   | Morton  | Smyth           |
| D. L. Babcock | Dykeman    | Hungerford | Mosher  | Springsted      |
| I. H. Babcock | Eastman    | Husted     | Moulton | D. Tomkins      |
| Badeau        | Enos       | Judd       | Murdock | M. M. Tompkins  |
| Baltz         | Fort       | Kilian     | Osgood  | Twombly         |
| Beckwith      | Fowler     | Kingsland  | Paige   | A. L. Van Dusen |
| E. E. Brown   | Geib       | Knapp      | Pell    | W. J. Van Dusen |
| I. D. Brown   | Goss       | Knettles   | Pierce  | Wells           |
| Buckley       | Green      | Lewis      | Preston | Whitbeck        |
| Buell         | Greenhalgh | Lincoln    | Ray     | White           |
| Burns         | Gregory    | Lippitt    | Rice    | Whitaker        |
| Burritt       | Haight     | G. P. Lord | Roche   | Woodward        |
| Campbell      | Haughton   | Lott       | Rose    | Woolsey         |
| Carroll       | Hawkins    |            |         |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the Montour Cemetery Association, of the village of Havana, Schuyler county, New York, to remove the bodies buried in the old burial-ground in said village to the new cemetery of said association, and to vest the title of said old burial-ground in the said association," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |            |          |                |
|---------------|----------|------------|----------|----------------|
| Abbott        | Chambers | Healy      | Loughran | Simson         |
| Aitken        | Cook     | Herrick    | Mackay   | Smiley         |
| Alberger      | Crandall | Holdridge  | Marcy    | Smyth          |
| Alvord        | Davidson | Hollister  | Moore    | Sniper         |
| D. L. Babcock | Dunphy   | Houghton   | Morton   | Snyder         |
| I. H. Babcock | Dykeman  | Hungerford | Moulton  | Springsted     |
| Badeau        | Eastman  | Husted     | Murdock  | D. Tomkins     |
| Baltz         | Enos     | Hyatt      | Osgood   | M. M. Tompkins |
| Beckwith      | Ford     | Jacobs     | Paige    | Twombly        |



|             |            |            |         |                 |
|-------------|------------|------------|---------|-----------------|
| Bennett     | Fort       | Kennedy    | Pell    | A. L. Van Dusen |
| Berri       | Fowler     | Kilian     | Pierce  | W. J. Van Dusen |
| Blair       | Geib       | Knapp      | Preston | Wells           |
| E. E. Brown | Goss       | Lewis      | Ray     | Whitbeck        |
| I. D. Brown | Greenhalgh | Lincoln    | Rice    | White           |
| Burns       | Gregory    | Lippitt    | Roche   | Whitaker        |
| Burritt     | Haughton   | G. P. Lord | Rose    | Woodward        |
| Campbell    | Hawkins    | Lott       | Sage    | Woolsey         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to incorporate St. Agnes Cemetery, of Syracuse, New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Davidson   | D. B. Hill | Mackay     | Smiley          |
| Aitken        | Dunphy     | Holdridge  | Marcy      | Smith           |
| Alberger      | Dykeman    | Hollister  | Moore      | Smyth           |
| Alvord        | Eastman    | Houghton   | Morton     | Sniper          |
| I. H. Babcock | Enos       | Hungerford | Moulton    | Snyder          |
| Badeau        | Fields     | Husted     | Murdock    | Springsted      |
| Baltz         | Ford       | Hyatt      | Osgood     | D. Tomkins      |
| Beckwith      | Fort       | Jacobs     | Paige      | M. M. Tompkins  |
| Bennett       | Fowler     | Judd       | Pell       | Twombly         |
| Berri         | Geib       | Kennedy    | Pierce     | A. L. Van Dusen |
| Blair         | Goss       | Kilian     | Preston    | W. J. Van Dusen |
| E. E. Brown   | Greenhalgh | Knapp      | Ray        | Wells           |
| I. D. Brown   | Gregory    | Knottles   | Rice       | Whitbeck        |
| Buell         | Haughton   | Lewis      | Rose       | White           |
| Burritt       | Haughton   | Lincoln    | Sage       | Whitaker        |
| Campbell      | Hawkins    | Lippitt    | Shepardson | Woodward        |
| Chambers      | Healy      | G. P. Lord | Simson     | Woolsey         |
| Crandall      | Herrick    | Lott       |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend title 12 of the charter of the city of Albany, entitled 'The Police Department,' passed March 16, 1870," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 76 }  
{ NOES 14 }

Those who voted in the affirmative, were

|               |          |            |         |            |
|---------------|----------|------------|---------|------------|
| Abbott        | Davidson | Hollister  | Mackay  | Smiley     |
| Alberger      | Dykeman  | Houghton   | Marcy   | Smith      |
| Alvord        | Eastman  | Hungerford | Moore   | Smyth      |
| D. L. Babcock | Enos     | Husted     | Morton  | Sniper     |
| I. H. Babcock | Ford     | Hyatt      | Moulton | Snyder     |
| Baltz         | Fort     | Judd       | Osgood  | Springsted |

|             |            |            |            |                 |
|-------------|------------|------------|------------|-----------------|
| Beckwith    | Fowler     | Kennedy    | Paige      | Twombly         |
| Bennett     | Geib       | Kilian     | Pell       | A. L. Van Dusen |
| Berri       | Goss       | Knapp      | Pierce     | W. J. Van Dusen |
| E. E. Brown | Greenhalgh | Knettles   | Preston    | Wells           |
| I. D. Brown | Gregory    | Lewis      | Rice       | Whitbeck        |
| Burns       | Haight     | Lincoln    | Rose       | White           |
| Burritt     | Hawkins    | Lippitt    | Sage       | Whitaker        |
| Campbell    | Herrick    | G. P. Lord | Shepardson | Woodward        |
| Carroll     | Holdridge  | Lott       | Simson     | Woolsey         |
| Crandall    |            |            |            |                 |

Those who voted in the negative, were

|        |             |        |        |                |
|--------|-------------|--------|--------|----------------|
| Aitken | Chamberlain | Dunphy | Mosher | Roche          |
| Blair  | Chambers    | Fields | Oakley | M. M. Tompkins |
| Buell  | Cook        | Jacobs | Ray    |                |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act providing for additional compensation to deputies, clerks and assistants in the various departments of the State government," being announced for a third reading,

On motion of Mr. Jacobs, and by unanimous consent, said bill was amended by inserting after the word "hall" in line 12, section 1; the words "to the clerks of the court of appeals, and of the commission of appeals."

Section 3, after the word "clerk" on line 1, insert the words "and assistant clerk." Same line, strike out the word "contracting." After the word "board" insert the words "of Canal Commissioners." Same section, line 11, strike out the word "three" and insert the word "four." Same line, strike out the word "five" and insert the word "four."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 2 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Chamberlain | Hawkins    | Lincoln    | Rice            |
| Aitken        | Cook        | Healy      | G. P. Lord | Shepardson      |
| Alberger      | Crandall    | Herrick    | Lott       | Simson          |
| Alvord        | Davidson    | Holdridge  | Loughran   | Smiley          |
| D. L. Babcock | Dunphy      | Hollister  | Mackay     | Sniper          |
| I. H. Babcock | Enos        | Houghton   | Marcy      | Snyder          |
| Beckwith      | Fields      | Hungerford | Moore      | Squires         |
| Bennett       | Ford        | Husted     | Morton     | M. M. Tompkins  |
| Berri         | Fort        | Hyatt      | Mosher     | Twombly         |
| Blair         | Fowler      | Jacobs     | Moulton    | A. L. Van Dusen |
| E. E. Brown   | Geib        | Judd       | Murdock    | W. J. Van Dusen |
| I. D. Brown   | Goss        | Kennedy    | Paige      | Wells           |
| Buckley       | Greenhalgh  | Kilian     | Pell       | White           |
| Buell         | Gregory     | Knapp      | Pierce     | Whitaker        |
| Burritt       | Haight      | Knettles   | Preston    | Woolsey         |
| Carroll       | Haughton    | Lewis      | Ray        |                 |

Those who voted in the negative, were

Roche      Rose

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to authorize the Cazenovia and De Ruyter Railroad Company to take increased fare on their road," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 75 }  
{ NOES 3 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Abbott        | Crandall   | Holdridge  | Lott    | Rose            |
| Alberger      | Davidson   | Hollister  | Mackay  | Simson          |
| Alvord        | Dunphy     | Houghton   | Marcy   | Smiley          |
| I. H. Babcock | Eastman    | Hungerford | Moore   | Smith           |
| Beckwith      | Enos       | Husted     | Morton  | Smyth           |
| Bennett       | Fort       | Hyatt      | Mosher  | Sniper          |
| Berri         | Fowler     | Jacobs     | Moulton | Snyder          |
| Blair         | Geib       | Judd       | Murdock | Springsted      |
| E. E. Brown   | Goss       | Kennedy    | Osgood  | A. L. Van Dusen |
| I. D. Brown   | Greenhalgh | Kilian     | Paige   | W. J. Van Dusen |
| Buell         | Gregory    | Knapp      | Pell    | Wells           |
| Burns         | Haight     | Knettles   | Pierce  | White           |
| Burritt       | Haughton   | Lincoln    | Preston | Whitaker        |
| Carroll       | Hawkins    | Lippitt    | Ray     | Woodward        |
| Couchman      | Herrick    | G. P. Lord | Rice    | Woolsey         |

Those who voted in the negative, were

Lewis              Loughran              Sage

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act for the relief of the Coney Island and Brooklyn Railroad Company," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 77 }  
{ NOES 5 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Abbott        | Couchman   | Hollister  | Lott    | Shepardson      |
| Aitken        | Crandall   | Houghton   | Mackay  | Simson          |
| Alvord        | Davidson   | Hungerford | Marcy   | Smith           |
| D. L. Babcock | Eastman    | Husted     | Moore   | Smyth           |
| I. H. Babcock | Enos       | Hyatt      | Morton  | Snyder          |
| Beckwith      | Fields     | Jacobs     | Moulton | Springsted      |
| Bennett       | Ford       | Judd       | Murdock | D. Tomkins      |
| Berri         | Fort       | Kennedy    | Oakley  | A. L. Van Dusen |
| Blair         | Fowler     | Kilian     | Pierce  | W. J. Van Dusen |
| E. E. Brown   | Goss       | Knapp      | Preston | Wells           |
| Buell         | Greenhalgh | Knettles   | Ray     | Whitbeck        |
| Burns         | Gregory    | Lewis      | Rice    | White           |
| Burritt       | Haughton   | Lincoln    | Roche   | Whitaker        |
| Carroll       | Hawkins    | Lippitt    | Rose    | Woodward        |
| Chamberlain   | Herrick    | G. P. Lord | Sage    | Woolsey         |
| Cook          | Holdridge  |            |         |                 |

Those who voted in the negative, were

Alberger              I. D. Brown              Dunphy              Loughran              Pell



*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act confirming a conveyance of real estate to Dennis Murphy, and authorizing him to hold real estate," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 87 }  
{ NOES 2 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Chamberlain | J. Hayes   | Lott       | Simson          |
| Aitken        | Chambers    | Healy      | Mackay     | Smiley          |
| Alberger      | Couchman    | Herrick    | Marcy      | Smith           |
| Alvord        | Crandall    | Holdridge  | Moore      | Smyth           |
| D. L. Babcock | Davidson    | Hollister  | Morton     | Sniper          |
| I. H. Babcock | Dunphy      | Houghton   | Mosher     | Springsted      |
| Baltz         | Eastman     | Hungerford | Moulton    | Swain           |
| Beckwith      | Ford        | Husted     | Murdock    | D. Tomkins      |
| Bennett       | Fort        | Hyatt      | Osgood     | M. M. Tompkins  |
| Berri         | Fowler      | Jacobs     | Paige      | A. L. Van Dusen |
| Blair         | Geib        | Kennedy    | Pell       | W. J. Van Dusen |
| E. E. Brown   | Goring      | Kilian     | Pierce     | Wells           |
| I. D. Brown   | Goss        | Knettles   | Preston    | Whitbeck        |
| Buell         | Greenhalgh  | Lewis      | Ray        | White           |
| Burns         | Gregory     | Lincoln    | Rice       | Whitaker        |
| Burritt       | Haight      | Lippitt    | Rose       | Woodward        |
| Campbell      | Haughton    | G. P. Lord | Shepardson | Woolsey         |
| Carroll       | Hawkins     |            |            |                 |

Those who voted in the negative, were

Fields                      Sage

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to incorporate the Riverhead Savings Bank," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 75 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Aitken        | Chambers   | Haight     | G. P. Lord | Rice            |
| Alberger      | Cook       | Hawkins    | Loughran   | Rose            |
| Alvord        | Couchman   | Healy      | Mackay     | Shepardson      |
| D. L. Babcock | Crandall   | Holdridge  | Marcy      | Simson          |
| I. H. Babcock | Davidson   | Hollister  | Moore      | Smith           |
| Baltz         | Dunphy     | Houghton   | Morton     | Smyth           |
| Beckwith      | Eastman    | Hungerford | Mosher     | Snyder          |
| Bennett       | Enos       | Husted     | Moulton    | Springsted      |
| Blair         | Ford       | Hyatt      | Murdock    | Swain           |
| E. E. Brown   | Fort       | Jacobs     | Osgood     | D. Tomkins      |
| I. D. Brown   | Fowler     | Kennedy    | Paige      | M. M. Tompkins  |
| Buckley       | Geib       | Kilian     | Pell       | W. J. Van Dusen |
| Buell         | Goss       | Lewis      | Pierce     | Wells           |
| Burritt       | Greenhalgh | Lincoln    | Preston    | White           |
| Carroll       | Gregory    | Lippitt    | Ray        | Wiley           |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to provide for supplying the village of Peekskill with water, and authorizing the issue of bonds therefor, and to create a board of water commissioners," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Couchman   | Holdridge  | Moore      | Smiley          |
| Aitken        | Crandall   | Hollister  | Morton     | Smyth           |
| Alberger      | Davidson   | Houghton   | Mosher     | Sniper          |
| Alvord        | Dunphy     | Husted     | Moulton    | Springsted      |
| D. L. Babcock | Fields     | Hyatt      | Murdock    | Swain           |
| I. H. Babcock | Ford       | Jacobs     | Osgood     | D. Tomkins      |
| Baltz         | Fort       | Kennedy    | Paige      | M. M. Tompkins  |
| Beckwith      | Fowler     | Kilian     | Pell       | Twombly         |
| Bennett       | Geib       | Knapp      | Pierce     | A. L. Van Dusen |
| Blair         | Goss       | Knettles   | Preston    | W. J. Van Dusen |
| E. E. Brown   | Greenhalgh | Lewis      | Rice       | Wells           |
| Buell         | Gregory    | Lippitt    | Rose       | White           |
| Burns         | Haight     | G. P. Lord | Sage       | Whitaker        |
| Campbell      | Hawkins    | Loughran   | Shepardson | Woodward        |
| Chambers      | Healy      | Mackay     | Simson     | Woolsey         |
| Cook          | Herrick    | Marcy      |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to consolidate and amend the several acts relating to the village of Watkins, and to enlarge the powers of the corporation of said village,' passed April 3, 1861," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Crandall   | Holdridge  | Marcy      | Smiley          |
| Alberger      | Davidson   | Hollister  | Moore      | Smith           |
| Alvord        | Dunphy     | Houghton   | Morton     | Smyth           |
| D. L. Babcock | Eastman    | Hungerford | Moulton    | Sniper          |
| I. H. Babcock | Ford       | Husted     | Murdock    | Springsted      |
| Baltz         | Fort       | Hyatt      | Oakley     | Swain           |
| Beckwith      | Fowler     | Jacobs     | Osgood     | D. Tomkins      |
| Bennett       | Geib       | Kennedy    | Paige      | M. M. Tompkins  |
| E. E. Brown   | Goss       | Kilian     | Pell       | Twombly         |
| I. D. Brown   | Greenhalgh | Knapp      | Pierce     | A. L. Van Dusen |
| Buell         | Gregory    | Knettles   | Preston    | W. J. Van Dusen |
| Burns         | Haight     | Lewis      | Rice       | Wells           |
| Burritt       | Haughton   | Lincoln    | Rose       | White           |
| Carroll       | Hawkins    | Lippitt    | Sage       | Whitaker        |
| Chambers      | Healy      | Loughran   | Shepardson | Woodward        |
| Couchman      | Herrick    | Mackay     | Simson     | Woolsey         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

On motion of Mr. A. L. Van Dusen, and by unanimous consent, the bill entitled "An act to amend chapter 65 of the Laws of 1871, entitled 'An act to revise and consolidate the laws in relation to the village of Geneva, in the county of Ontario,' passed March 3, 1871," was announced for a third reading.

On motion of Mr. A. L. Van Dusen, and by unanimous consent, said bill was then amended as follows:

In line 14 of section 1, page 2, insert the word "two-thirds" between the words "by a" and "vote," so it will read "by a two-thirds vote," and in next line, 15, strike out the words "of two-thirds of the trustees."

In section 3, on page 2, in line 7, strike out the words "only six days" and in next line, 8, strike out the words "in one village paper shall be given" and at end of line 9 insert the words "may be by one insertion in one of the village papers," so that it shall read "provided, however, that notice of the places of election for the year 1872 may be by one insertion in one of the village papers."

In section 4, on page 3, in line 15, insert the word "village" instead of the word "viilage," misspelled. In line 19, insert the word "for" between the words "election" and "whom," and strike out same word "for" at end of same line. In line 27, insert the words "for which" between the word "office" and the word "and;" also, in same line, insert the words "for whom" between the words "person" and "the," and at end of that line and beginning of next strike out the words "for such office," so it shall read "shall state the office for which and the name of the person for whom the elector desires to vote." In line 45, strike out the word "and" before the word "file." In line 46, strike out the word "the" before the word "persons," and insert the words "and notify the;" also, add at the end of line 46 the words "of their election" instead of the word "as" stricken out, and strike out all of line 47 so it shall read "file the original statements in his office, and notify the persons thus declared and decided elected of their election."

In section 6, on page 4, at end of line 4, strike out the word "notes" and insert the word "votes."

In section 7, on page 4, in lines 14 and 15, put inverted commas, thus: "for the contract," "against the contract;" also, in line 17, thus: "for the contract," and in line 18, at end, insert the words "and collect" after the word "levy," so it will read "may levy and collect the."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |            |         |                |
|---------------|----------|------------|---------|----------------|
| Abbott        | Cook     | Hollister  | Mosher  | Smith          |
| Aitken        | Couchman | Houghton   | Moulton | Smyth          |
| Alberger      | Davidson | Hungerford | Murdock | Sniper         |
| Alvord        | Dunphy   | Husted     | Oakley  | Springsted     |
| D. L. Babcock | Eastman  | Hyatt      | Osgood  | Swain          |
| I. H. Babcock | Fields   | Jacobs     | Paige   | D. Tomkins     |
| Baltz         | Ford     | Kennedy    | Pell    | M. M. Tompkins |



|             |            |          |            |                 |
|-------------|------------|----------|------------|-----------------|
| Beckwith    | Fort       | Kilian   | Pierce     | Twombly         |
| Bennett     | Fowler     | Knapp    | Preston    | A. L. Van Dusen |
| Blair       | Geib       | Knottles | Ray        | W. J. Van Dusen |
| E. E. Brown | Goss       | Lewis    | Rice       | Wells           |
| I. D. Brown | Greenhalgh | Lincoln  | Rose       | Whitbeck        |
| Buckley     | Gregory    | Lippitt  | Sage       | White           |
| Buell       | Haight     | Mackay   | Shepardson | Whitaker        |
| Burns       | Healy      | Marcy    | Simson     | Woodward        |
| Burritt     | Herrick    | Moore    | Smiley     | Woolsey         |
| Carroll     | Holdridge  |          |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Herrick, from the committee on internal affairs, to which was referred the bill entitled "An act to amend chapter 360 of the Laws of 1871, entitled 'An act to amend an act entitled An act to provide for the promotion of public health, and for draining overflowed and wet lands adjoining Black lake and its tributaries, in the counties of St. Lawrence and Jefferson, and for improving the hydraulic power at Ogdensburgh,' passed May 4, 1864, being chapter 577 of the Laws of 1864, as amended by chapter 180 of the Laws of 1868, passed April 7, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Herrick, from the committee on internal affairs, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend chapter 194 of the Laws of 1849, entitled An act to vest in the boards of supervisors certain legislative powers, and to prescribe their fees for certain services,' passed April 3, 1849, passed February 2, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Herrick, from the committee on internal affairs, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend title 16, chapter 8, part 3, of the Revised Statutes, relative to proceedings for the drainage of swamps, marshes and other low or wet lands, and for draining farm lands,' passed May 12, 1869," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Herrick, from the committee on internal affairs, to which was recommitted the bill entitled "An act to amend an act entitled 'An act to authorize the drainage of marsh lands,' passed June 9, 1868, and the acts amendatory thereof passed April 22, 1869," reported the same for the consideration of the House; which report was agreed to, and said bill committed to the committee of the whole, retaining its place on general orders.

Mr. Herrick, from the committee on internal affairs, to which was referred the bill entitled "An act to amend, as to the county of Kings, an act entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Herrick, from the committee on internal affairs, to which was recommitted the bill entitled "An act to enable the electors of the town of Wilna in the county of Jefferson to vote by districts for town officers," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole, retaining its place on general orders.

Mr. Herrick, from the committee on internal affairs, to which was referred the bill entitled "An act to authorize the board of supervisors of the county of Westchester to purchase City Island Bridge (so called), in said county," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to authorize the construction of a street railroad in Auburn, and thence upon the east side of the Owasco river to the Owasco lake," reported adversely thereto, which report was agreed to.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to grant additional privileges to the Broadway Railroad Company and the Brooklyn City Railroad Company of Brooklyn," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to amend an act to authorize the construction of a street railroad in the city of Auburn, and from thence to the Owasco lake, passed April 15, 1871," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to amend an act entitled 'An act for the relief of the Brooklyn, Winfield and Newtown Railway Company,' passed April 20, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was recommended the bill entitled "An act to authorize the Brooklyn City Railroad Company to extend their road along Putnam and Nostrand avenues and Halsey street to Broadway, in the city of Brooklyn," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole, retaining its place on general orders.

Mr. White, from the committee on railroads, to which was recommended the bill entitled "An act in relation to the Brooklyn City and Newtown Railroad Company," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole, retaining its place on general orders.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to authorize the construction of a street railroad from the city of Auburn to Willow Brook, in the town of Owasco," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to regulate the rate of charges for carrying passengers on the Gloversville and Northern railroad," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to change the name of the Brooklyn City, Hunter's Point and Prospect Park Railroad Company to the Cross-town Railroad Company," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to facilitate the construction of the Lake Ontario



Shore railroad and to amend the several acts in relation thereto, and to authorize any life insurance company, or any trust and loan company, or any savings banks of this State to invest their funds or money on deposit in bonds issued by any county, town or village of this State in aid of said road," reported in favor of the passage of the same with substituted bill as amendment, and have amended the title so as to read "An act to facilitate the construction of the Lake Ontario Shore railroad, and to amend the several acts in relation thereto," which report was agreed to and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the petition of H. D. Eldridge and others, praying for a viaduct under the New York Central and Hudson River railroad at Port Byron, reported a bill entitled "An act to require the New York Central and Hudson River Railroad Company to construct and maintain a carriage viaduct at Port Byron," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was recommitted the bill entitled "An act to amend an act entitled 'An act to authorize the Syracuse Northern Railroad Company to construct and maintain a swing-bridge over the Oswego canal, in the first ward of the city of Syracuse,' passed April 7, 1871, so as to include the second and third wards of said city," reported in favor of the passage of the same; which report was agreed to, and said bill replaced on calendar of third reading of bills.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act entitled 'An act to amend an act authorizing the construction of a street railroad in the city of Auburn,' passed April 15, 1871," reported adversely thereto, which report was agreed to.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to repeal chapter 906 of the Laws of 1869, as amended by chapter 649 of the Laws of 1870, and chapter 356 of the Laws of 1871, so far as the same relates to the town of Pelham, in Westchester county, and the supervisor thereof for making public roads or highway," and the title amended so as to read as follows: "An act to repeal chapter 906 of the Laws of 1869, and chapter 649 of the Laws of 1870, and chapter 356 of the Laws of 1871, so far as the same relates to the town of Pelham, in Westchester county, and the supervisor thereof, and to enable said town to construct part of the road in said acts referred to," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was recommitted the bill entitled "An act to repeal an act to grade and macadamize the Westchester turnpike and post-road, appointing commissioners by chapter 549 of the Laws of 1868, and the acts amendatory thereof," and the title amended so as to read as follows: "An act to repeal chapter 549 of the Laws of 1868, entitled 'An act to regulate, grade and macadamize the highway known as the Westchester turnpike and post-road, commencing at a point in said road on the line dividing the towns of West Farms and Morrisania, and the acts amendatory thereof to discharge the commissioners appointed by such act or acts amendatory thereof, and to empower the town officers of the various towns, and the president and trustees of the village of New Rochelle,



through which said turnpike and post-road passes, to perform certain duties," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole, retaining its place on general orders.

The bill entitled "An act to amend an act entitled 'An act to amend the charter of the village of New Rochelle, in the county of Westchester,' passed April 20, 1864," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |           |         |                 |
|---------------|------------|-----------|---------|-----------------|
| Abbott        | Burritt    | Haughton  | Marcy   | Smiley          |
| Aitken        | Campbell   | Healy     | Moore   | Smith           |
| Alberger      | Carroll    | Holdridge | Morton  | Smyth           |
| Alvord        | Couchman   | Hollister | Mosher  | Sniper          |
| D. L. Babcock | Davidson   | Hyatt     | Moulton | Springsted      |
| I. H. Babcock | Dunphy     | Jacobs    | Murdock | Swain           |
| Badeau        | Dykeman    | Kennedy   | Oakley  | D Tomkins       |
| Baltz         | Eastman    | Kilian    | Osgood  | Twombly         |
| Beckwith      | Ford       | Kingsland | Paige   | A. L. Van Dusen |
| Bennett       | Fort       | Knapp     | Pell    | W. J. Van Dusen |
| Berri         | Fowler     | Knettles  | Pierce  | Wells           |
| Blair         | Geib       | Lewis     | Preston | Whitbeck        |
| E. E. Brown   | Green      | Lincoln   | Ray     | White           |
| I. D. Brown   | Greenhalgh | Lippitt   | Roche   | Whitaker        |
| Buell         | Gregory    | Loughran  | Rose    | Woodward        |
| Burns         | Haight     | Mackay    | Simson  | Woolsey         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to secure religious ministration to convicts in the State prisons and penitentiaries of this State," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |            |          |                 |
|---------------|----------|------------|----------|-----------------|
| Abbott        | Cook     | Hawkins    | Loughran | Smiley          |
| Aitken        | Couchman | Healy      | Mackay   | Smith           |
| Alberger      | Crandall | Holdridge  | Marcy    | Smyth           |
| Alvord        | Davidson | Hollister  | Moore    | Sniper          |
| I. H. Babcock | Dunphy   | Hungerford | Morton   | Springsted      |
| Badeau        | Dykeman  | Husted     | Moulton  | Swain           |
| Baltz         | Eastman  | Hyatt      | Murdock  | Twombly         |
| Beckwith      | Enos     | Jacobs     | Osgood   | A. L. Van Dusen |
| Bennett       | Ford     | Kennedy    | Paige    | W. J. Van Dusen |
| Berri         | Fort     | Kilian     | Pell     | Wells           |
| Blair         | Geib     | Kingsland  | Pierce   | West            |
| E. E. Brown   | Goring   | Knapp      | Preston  | Whitbeck        |
| I. D. Brown   | Goss     | Knettles   | Ray      | White           |

|          |            |         |       |          |
|----------|------------|---------|-------|----------|
| Buell    | Green      | Lewis   | Rice  | Whitaker |
| Burritt  | Greenhalgh | Lincoln | Roche | Woodward |
| Campbell | Gregory    | Lippitt | Rose  | Woolsey  |
| Carroll  | Haughton   |         |       |          |

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 853 of the Laws of 1867, entitled 'An act to incorporate St. Agnes' Cemetery,' passed May 9, 1867," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 74 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |          |                 |
|---------------|------------|------------|----------|-----------------|
| Abbott        | Cook       | Hawkins    | Lott     | Smith           |
| Aitken        | Crandall   | Healy      | Loughran | Smyth           |
| Alberger      | Davidson   | Holdridge  | Mackay   | Sniper          |
| Alvord        | Dunphy     | Hollister  | Marcy    | Springsted      |
| D. L. Babcock | Eastman    | Hungerford | Moore    | D. Tomkins      |
| I. H. Babcock | Enos       | Husted     | Morton   | Twombly         |
| Badeau        | Ford       | Hyatt      | Murdock  | A. L. Van Dusen |
| Baltz         | Fort       | Jacobs     | Osgood   | W. J. Van Dusen |
| Beckwith      | Fowler     | Kilian     | Pell     | Wells           |
| E. E. Brown   | Geib       | Kingsland  | Pierce   | Whitbeck        |
| I. D. Brown   | Goring     | Knapp      | Preston  | White           |
| Buell         | Goss       | Knettles   | Ray      | Whitaker        |
| Burritt       | Greenhalgh | Lewis      | Rice     | Woodward        |
| Campbell      | Gregory    | Lincoln    | Roche    | Woolsey         |
| Carroll       | Haughton   | Lippitt    | Rose     |                 |

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act for the removal of a certain burial-ground, connected with the Second Reformed Church of Bethlehem, to the Bethlehem Cemetery," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 72 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |          |                 |
|---------------|------------|------------|----------|-----------------|
| Abbott        | Cook       | Herrick    | Loughran | Smith           |
| Aitken        | Couchman   | Holdridge  | Mackay   | Smyth           |
| Alberger      | Crandall   | Hollister  | Marcy    | Swain           |
| Alvord        | Davidson   | Houghton   | Moore    | D. Tomkins      |
| D. L. Babcock | Dunphy     | Hungerford | Morton   | M. M. Tompkins  |
| I. H. Babcock | Eastman    | Hyatt      | Moulton  | Twombly         |
| Badeau        | Enos       | Jacobs     | Murdock  | A. L. Van Dusen |
| Beckwith      | Ford       | Judd       | Osgood   | W. J. Van Dusen |
| Berri         | Fort       | Kennedy    | Pierce   | Wells           |
| E. E. Brown   | Geib       | Kilian     | Preston  | Whitbeck        |
| I. D. Brown   | Goring     | Knapp      | Rice     | White           |
| Buell         | Greenhalgh | Knettles   | Roche    | Whitaker        |

|          |          |         |        |          |
|----------|----------|---------|--------|----------|
| Burns    | Gregory  | Lewis   | Rose   | Woodward |
| Burritt  | Haughton | Lincoln | Smiley | Woolsey  |
| Campbell | Hawkins  |         |        |          |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 348 of the Laws of 1867, being an act to amend an act entitled 'An act to incorporate the Young Men's Christian Association of the city of Poughkeepsie,' passed April 12, 1867," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Abbott        | Carroll    | Herrick    | Mackay  | Smiley          |
| Aitken        | Cook       | Holdridge  | Marcy   | Smith           |
| Alberger      | Couchman   | Hollister  | Moore   | Smyth           |
| Alvord        | Crandall   | Houghton   | Morton  | Sniper          |
| D. L. Babcock | Davidson   | Hungerford | Mosher  | Springsted      |
| I. H. Babcock | Eastman    | Husted     | Moulton | Swain           |
| Badeau        | Fort       | Jacobs     | Murdock | D. Tomkins      |
| Baltz         | Fowler     | Judd       | Oakley  | M. M. Tompkins  |
| Beckwith      | Geib       | Kennedy    | Osgood  | Twombly         |
| Bennett       | Goss       | Kilian     | Paige   | A. L. Van Dusen |
| Berri         | Green      | Kingsland  | Pell    | W. J. Van Dusen |
| Blair         | Greenhalgh | Knapp      | Pierce  | Wells           |
| E. E. Brown   | Gregory    | Knettles   | Preston | Whitbeck        |
| I. D. Brown   | Haight     | Lewis      | Rice    | White           |
| Buell         | Haughton   | Lincoln    | Röche   | Whitaker        |
| Burritt       | Hawkins    | Lippitt    | Rose    | Woodward        |
| Campbell      | Healy      | Loughran   | Sage    | Woolsey         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to amend chapter 515 of the Laws of 1869, entitled 'An act for the incorporation of the Grand Lodge of the Independent Order of Good Templars of the State of New York,' passed May 3, 1869," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |            |         |                |
|---------------|----------|------------|---------|----------------|
| Abbott        | Chambers | Healy      | Mackay  | Sage           |
| Aitken        | Cook     | Herrick    | Marcy   | Smith          |
| Alberger      | Couchman | Holdridge  | Moore   | Smyth          |
| Alvord        | Crandall | Hollister  | Morton  | Sniper         |
| D. L. Babcock | Davidson | Houghton   | Mosher  | Springsted     |
| I. H. Babcock | Dunphy   | Hungerford | Moulton | Swain          |
| Badeau        | Eastman  | Husted     | Murdock | D. Tomkins     |
| Baltz         | Ford     | Judd       | Oakley  | M. M. Tompkins |
| Beckwith      | Fort     | Kennedy    | Osgood  | Twombly        |



|             |            |          |         |                 |
|-------------|------------|----------|---------|-----------------|
| Bennett     | Fowler     | Kilian   | Paige   | A. L. Van Dusen |
| Berri       | Geib       | Knapp    | Pell    | W. J. Van Dusen |
| Blair       | Goss       | Knettles | Pierce  | Whitbeck        |
| E. E. Brown | Green      | Lewis    | Preston | White           |
| I. D. Brown | Greenhalgh | Lincoln  | Ray     | Whitaker        |
| Buell       | Gregory    | Lippitt  | Rice    | Woodward        |
| Burritt     | Haight     | Loughran | Rose    | Woolsey         |
| Carroll     | Hawkins    |          |         |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to legalize the acts of Sherman B. Daboll, as notary public of Madison county," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Abbott        | Carroll    | Healy      | Marcy   | Smiley          |
| Aitken        | Couchman   | Herrick    | Moore   | Smith           |
| Alberger      | Crandall   | Holdridge  | Morton  | Smyth           |
| Alvord        | Davidson   | Hollister  | Mosher  | Sniper          |
| D. L. Babcock | Eastman    | Houghton   | Moulton | Swain           |
| I. H. Babcock | Enos       | Hungerford | Murdock | D. Tompkins     |
| Badeau        | Ford       | Husted     | Oakley  | M. M. Tompkins  |
| Baltz         | Fort       | Judd       | Osgood  | Twombly         |
| Beckwith      | Fowler     | Kennedy    | Paige   | A. L. Van Dusen |
| Bennett       | Geib       | Kilian     | Pell    | W. J. Van Dusen |
| Berri         | Goss       | Kingsland  | Pierce  | Wells           |
| Blair         | Green      | Knapp      | Preston | Whitbeck        |
| E. E. Brown   | Greenhalgh | Knettles   | Ray     | White           |
| I. D. Brown   | Gregory    | Lewis      | Rice    | Whitaker        |
| Buell         | Haight     | Lincoln    | Rose    | Woodward        |
| Burns         | Haughton   | Loughran   | Simson  | Woolsey         |
| Burritt       | Hawkins    | Mackay     |         |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act establishing a ferry from Barber's Point, in the town of Westport, in the county of Essex, across Lake Champlain, and to repeal chapter 495 of the Laws of 1871," being announced for a third reading,

On motion of Mr. Smyth, and by unanimous consent, said bill was amended by inserting after the word "aforesaid" in line 5, section 6, engrossed bill, the words "said court."

Said bill, as amended, was then read a third time.

Mr. President put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 83 }  
{ NOES 00 }

|          |          |           |        |        |
|----------|----------|-----------|--------|--------|
| Abbott   | Couchman | Herrick   | Mackay | Rose   |
| Aitken   | Crandall | Holdridge | Marcy  | Smiley |
| Alberger | Davidson | Hollister | Moore  | Smith  |
| Alvord   | Dykeman  | Houghton  | Morton | Smyth  |

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| D. L. Babcock | Eastman    | Hungerford | Mosher  | Sniper          |
| I. H. Babcock | Ford       | Husted     | Moulton | Swain           |
| Badeau        | Fort       | Jacobs     | Murdock | D. Tomkins      |
| Baltz         | Fowler     | Judd       | Oakley  | M. M. Tompkins  |
| Beckwith      | Geib       | Kennedy    | Osgood  | Twombly         |
| Bennett       | Goss       | Kilian     | Paige   | A. L. Van Dusen |
| Berri         | Green      | Kingsland  | Pell    | W. J. Van Dusen |
| Blair         | Greenhalgh | Knapp      | Pierce  | Wells           |
| E. E. Brown   | Gregory    | Knettles   | Preston | Whitbeck        |
| I. D. Brown   | Haight     | Lewis      | Ray     | Whitaker        |
| Buell         | Haughton   | Lincoln    | Rice    | Woodward        |
| Burritt       | Hawkins    | Lippitt    | Roche   | Woolsey         |
| Carroll       | Healy      | Loughran   |         |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act in relation to the rates of wharfage, and to regulate piers, wharves, bulk-heads and slips, in the cities of New York and Brooklyn, passed May 6, 1870," being announced for a third reading,

On motion of Mr. Campbell, and by unanimous consent, said bill was amended by inserting after the word "products" on line 12, printed bill, the words "and floating grain elevators." Also, same section, line 20, after the word "those" insert the words "above named or."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 76 }  
{ NOES 2 }

|               |            |           |         |                 |
|---------------|------------|-----------|---------|-----------------|
| Abbott        | Dykeman    | Hollister | Marcy   | Smith           |
| Aitken        | Ford       | Houghton  | Moore   | Smyth           |
| Alberger      | Fort       | Husted    | Morton  | Sniper          |
| Alvord        | Fowler     | Hyatt     | Mosher  | Squires         |
| D. L. Babcock | Geib       | Jacobs    | Moulton | Swain           |
| I. H. Babcock | Goss       | Judd      | Oakley  | D. Tomkins      |
| Badeau        | Green      | Kennedy   | Osgood  | M. M. Tompkins  |
| Baltz         | Greenhalgh | Kilian    | Paige   | Twombly         |
| Beckwith      | Gregory    | Kingsland | Pell    | A. L. Van Dusen |
| Bennett       | Haight     | Knettles  | Pierce  | W. J. Van Dusen |
| Berri         | Haughton   | Lewis     | Preston | Wells           |
| E. E. Brown   | Hawkins    | Lincoln   | Ray     | White           |
| Burritt       | Healy      | Lippitt   | Rose    | Whitaker        |
| Campbell      | Herrick    | Loughran  | Simson  | Woodward        |
| Crandall      | Holdridge  | Mackay    | Smiley  | Woolsey         |
| Davidson      |            |           |         |                 |

Those who voted in the negative, were

Blair                      Roche

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to amend an act entitled 'An act incorporating the Goshen Savings Bank,' passed April 11, 1871," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |           |            |                 |
|---------------|------------|-----------|------------|-----------------|
| Abbott        | Dykeman    | Houghton  | Moore      | Smiley          |
| Aitken        | Ford       | Husted    | Morton     | Smith           |
| Alberger      | Fort       | Hyatt     | Mosher     | Smyth           |
| Alvord        | Fowler     | Jacobs    | Moulton    | Sniper          |
| D. L. Babcock | Geib       | Judd      | Murdock    | Springsted      |
| I. H. Babcock | Goring     | Kennedy   | Oakley     | Swain           |
| Badeau        | Goss       | Kilian    | Osgood     | D. Tomkins      |
| Baltz         | Green      | Kingsland | Paige      | M. M. Tompkins  |
| Beckwith      | Greenhalgh | Knapp     | Pell       | A. L. Van Dusen |
| Bennett       | Gregory    | Knettles  | Pierce     | W. J. Van Dusen |
| Berri         | Haight     | Lewis     | Preston    | Wells           |
| Blair         | Haughton   | Lincoln   | Ray        | Whitbeck        |
| E. E. Brown   | Hawkins    | Lippitt   | Rice       | White           |
| Burritt       | Healy      | Lott      | Roche      | Whitaker        |
| Campbell      | Herrick    | Loughran  | Rose       | Woodward        |
| Crandall      | Holdridge  | Mackay    | Shepardson | Woolsey         |
| Davidson      | Hollister  | Marcy     | Simson     |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to amend an act entitled 'An act to incorporate the New York Life Insurance and Trust Company,' passed March 9, 1830, and the act amendatory thereof, passed May 2, 1834," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof.

{ AYES 47 }  
{ NOES 39 }

Those who voted in the affirmative, were

|             |            |           |         |            |
|-------------|------------|-----------|---------|------------|
| Aitken      | Burns      | Hawkins   | Moore   | Shepardson |
| Alberger    | Burritt    | Houghton  | Morton  | Smiley     |
| Alvord      | Campbell   | Husted    | Moulton | Sniper     |
| Badeau      | Ford       | Hyatt     | Murdock | Springsted |
| Baltz       | Fowler     | Jacobs    | Oakley  | Swain      |
| Beckwith    | Geib       | Kilian    | Osgood  | D. Tomkins |
| Bennett     | Goring     | Kingsland | Paige   | Twombly    |
| Berri       | Greenhalgh | Knettles  | Pell    | Whitbeck   |
| E. E. Brown | Gregory    | Lewis     | Preston | White      |
| I. D. Brown | Haughton   |           |         |            |

Those who voted in the negative, were

|               |           |          |        |                 |
|---------------|-----------|----------|--------|-----------------|
| Abbott        | Fields    | Kennedy  | Pierce | M. M. Tompkins  |
| I. H. Babcock | Fort      | Knapp    | Ray    | A. L. Van Dusen |
| Blair         | Goss      | Lincoln  | Rice   | W. J. Van Dusen |
| Buell         | Green     | Lott     | Roche  | Wells           |
| Cook          | Healy     | Loughran | Rose   | Whitaker        |
| Crandall      | Herrick   | Mackay   | Sage   | Woodward        |
| Davidson      | Holdridge | Marcy    | Simson | Woolsey         |
| Dykeman       | Hollister | Mosher   | Smyth  |                 |

Mr. Twombly moved to reconsider said vote, and that that motion lay on the table.

Mr. Speaker put the question whether the House would agree to said motion to lay on the table, and it was determined in the affirmative.



{ AYES 62 }  
{ NOES 27 }

Those who voted in the affirmative, were

|               |            |           |            |                 |
|---------------|------------|-----------|------------|-----------------|
| Alberger      | Ford       | Hyatt     | Morton     | Smiley          |
| Alvord        | Fowler     | Jacobs    | Moulton    | Smith           |
| D. L. Babcock | Geib       | Judd      | Murdock    | Springsted      |
| Badeau        | Goring     | Kennedy   | Oakley     | Swain           |
| Baltz         | Goss       | Kingsland | Osgood     | D. Tomkins      |
| Beckwith      | Green      | Knapp     | Paige      | Twombly         |
| Bennett       | Greenhalgh | Knettles  | Pell       | A. L. Van Dusen |
| Berri         | Haughton   | Lewis     | Preston    | W. J. Van Dusen |
| E. E. Brown   | Hawkins    | Lippitt   | Rice       | Wells           |
| I. D. Brown   | Holdridge  | Lott      | Sage       | Whitbeck        |
| Burns         | Hollister  | Marcy     | Shepardson | White           |
| Burritt       | Houghton   | Moore     | Simson     | Woolsey         |
| Campbell      | Husted     |           |            |                 |

Those who voted in the negative, were

|               |          |            |        |                |
|---------------|----------|------------|--------|----------------|
| Abbott        | Crandall | Herrick    | Mackay | Rose           |
| Aitken        | Davidson | Hungerford | Mosher | Smyth          |
| I. H. Babcock | Dykeman  | Kilian     | Pierce | M. M. Tompkins |
| Blair         | Fields   | Lincoln    | Ray    | Whitaker       |
| Buell         | Fort     | Loughran   | Roche  | Woodward       |
| Cook          | Healy    |            |        |                |

The Senate bill entitled "An act to amend 'An act to provide for a supply of water in the city of Poughkeepsie, and for sewers therein,' passed April 12, 1867, and also to amend an act entitled 'An act to amend an act entitled An act to provide for a supply of water in the city of Poughkeepsie and for sewers therein, passed April 12, 1867, passed April 9, 1870, and also to amend an act entitled An act to amend an act entitled An act to provide for a supply of water in the city of Poughkeepsie, and for sewers therein,' passed April 12, 1867, passed April 19, 1871," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |          |            |                 |
|---------------|------------|----------|------------|-----------------|
| Abbott        | Dykeman    | Husted   | Moulton    | Smyth           |
| Alberger      | Ford       | Jacobs   | Murdock    | Sniper          |
| Alvord        | Fort       | Judd     | Oakley     | Springsted      |
| D. L. Babcock | Fowler     | Kennedy  | Osgood     | Swain           |
| I. H. Babcock | Geib       | Kilian   | Paige      | D. Tomkins      |
| Badeau        | Goring     | Knapp    | Pell       | M. M. Tompkins  |
| Baltz         | Goss       | Knettles | Pierce     | Twombly         |
| Beckwith      | Green      | Lewis    | Preston    | A. L. Van Dusen |
| Bennett       | Greenhalgh | Lincoln  | Ray        | W. J. Van Dusen |
| Blair         | Hawkins    | Lippitt  | Rice       | Wells           |
| E. E. Brown   | Healy      | Loughran | Roche      | Whitbeck        |
| I. D. Brown   | Herrick    | Mackay   | Rose       | White           |
| Buell         | Holdridge  | Marcy    | Shepardson | Whitaker        |
| Burritt       | Hollister  | Moore    | Simson     | Woodward        |
| Crandall      | Houghton   | Morton   | Smiley     | Woolsey         |
| Davidson      | Hungerford | Mosher   | Smith      |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

Mr. Lott, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to establish a department of police and health in and for the city of Brooklyn."

"An act to create a department of city works in the city of Brooklyn, and to abolish the permanent board of water and sewerage commissioners in said city."

"An act in relation to the fire department of the city of Brooklyn, and to reorganize the same."

Also, that they have compared with the original, the bill entitled "An act to authorize the city of Buffalo to borrow money and to subscribe to the capital stock of the Buffalo and Jamestown Railroad Company," passed by unanimous consent, March 19, and find the same correctly engrossed.

The bill entitled "An act to confer upon Horace C. Tracy and Peter Fish the right to establish a ferry across Cayuga lake, and to extend in their behalf an act to establish such ferry, passed April 5, 1844, and extended by chapter 31, Laws of 1858, to Horace C. Tracy and Isaac A. Brokaw, for the term of fourteen years from the 5th day of April, 1858," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Davidson   | Holdridge  | Marcy      | Smiley          |
| Alberger      | Dykeman    | Hollister  | Moore      | Smith           |
| Alvord        | Enos       | Houghton   | Morton     | Smyth           |
| I. H. Babcock | Ford       | Hungerford | Moulton    | Sniper          |
| Badeau        | Fort       | Husted     | Murdock    | Springsted      |
| Baltz         | Fowler     | Hyatt      | Osgood     | Swain           |
| Beckwith      | Geib       | Jacobs     | Paige      | M. M. Tompkins  |
| Bennett       | Goring     | Judd       | Pell       | Twombly         |
| Blair         | Goss       | Kennedy    | Pierce     | A. L. Van Dusen |
| E. E. Brown   | Green      | Knapp      | Preston    | W. J. Van Dusen |
| I. D. Brown   | Greenhalgh | Knettles   | Ray        | Wells           |
| Buell         | Gregory    | Lewis      | Rice       | Whitbeck        |
| Burns         | Haughton*  | Lincoln    | Roche      | White           |
| Burritt       | Hawkins    | Lott       | Rose       | Whitaker        |
| Carroll       | Healy      | Loughran   | Shepardson | Woodward        |
| Crandall      | Herrick    | Mackay     | Simson     | Woolsey         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend 'An act to enable Ezra Cornell to found a public library and literary institution in the village of Ithaca, and to incorporate the same,' passed April 5, 1864," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Cook       | Holdridge  | Moore      | Simson          |
| Aitken        | Crandall   | Hollister  | Morton     | Smiley          |
| Alberger      | Davidson   | Houghton   | Mosher     | Smith           |
| Alvord        | Dykeman    | Hungerford | Moulton    | Smyth           |
| D. L. Babcock | Eastman    | Husted     | Murdock    | Sniper          |
| I. H. Babcock | Ford       | Hyatt      | Oakley     | Springsted      |
| Badeau        | Fort       | Jacobs     | Osgood     | Swain           |
| Baltz         | Fowler     | Judd       | Paige      | M. M. Tompkins  |
| Beckwith      | Geib       | Kennedy    | Pell       | Twombly         |
| Bennett       | Goring     | Killian    | Pierce     | A. L. Van Dusen |
| Berri         | Goss       | Kingsland  | Preston    | W. J. Van Dusen |
| Blair         | Green      | Knapp      | Ray        | Wells           |
| E. E. Brown   | Greenhalgh | Knettles   | Rice       | Whitbeck        |
| I. D. Brown   | Gregory    | Lewis      | Roche      | White           |
| Buell         | Haughton   | Lincoln    | Rose       | Whitaker        |
| Burns         | Hawkins    | Loughran   | Sage       | Woodward        |
| Burritt       | Healy      | Mackay     | Shepardson | Woolsey         |
| Carroll       | Herrick    | Marcy      |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

On motion of Mr. Shepardson,

*Resolved*, That the Assembly bill, general order 354, entitled "An act to legalize and confirm the official acts of Gaylord S. Graves, a justice of the peace of the town of Bainbridge, in the county of Chenango," be referred to the sub-committee of the whole.

On motion of Mr. Ray,

*Resolved*, That the Assembly bill, general order 487, entitled "An act to provide for supplying the city of Hudson, Columbia county, New York, with pure and wholesome water," be referred to the sub-committee of the whole.

On motion of Mr. Knapp,

*Resolved*, That the Assembly bill, general order 265, entitled "An act to prevent frauds in the sale of patent rights," be referred to the sub-committee of the whole.

On motion of Mr. Knapp,

*Resolved*, That the Senate bill, general order 578, entitled "An act to incorporate the Batavia Library Association, and appropriating certain money thereto," be referred to the sub-committee of the whole.

On motion of Mr. Roche,

*Resolved*, That the Assembly bill, general order 470, entitled "An act to enable Mary Conlan to take and hold real estate, and to release to her the interest and title in lands escheated to the State," be referred to the sub-committee of the whole.

On motion of Mr. Roche,

*Resolved*, That the Assembly bill, general order 581, entitled "An act to release the interest of the people of the State of New York in certain real estate to Elizabeth Hanley," be referred to the sub-committee of the whole.

On motion of Mr. Lippitt,

*Resolved*, That the Assembly bill, general order 391, entitled "An act to incorporate the trustees of the home for the destitute children of Madison county," be referred to the sub-committee of the whole.



On motion of Mr. Campbell,

*Resolved*, That the Assembly bill, general order 474, entitled "An act for the relief of the heirs of Daniel Early, deceased, late of the city of New York," be referred to the sub-committee of the whole.

On motion of Mr. I. H. Babcock,

*Resolved*, That Assembly bill No. 299, general order 334, entitled "An act to amend an act entitled 'An act to incorporate the St. Joseph's Academy and Industrial Female School of Lockport,' passed February 19, 1866," be referred to the sub-committee of the whole.

On motion of Mr. Hungerford,

*Resolved*, That the Senate bill, general order 496, entitled "An act to release and convey the interest of the State of New York in certain real estate in the city of Utica, of which Owen J. Owens died possessed, to Owen Griffith, his nephew," be referred to the sub-committee of the whole.

On motion of Mr. Beckwith,

*Resolved*, That the Senate bill, general order 346, entitled "An act to amend chapter 92, Laws of 1869, entitled 'An act to provide for the compensation of members of the board of supervisors of the county of Oneida,' and to fix the place of the annual sessions thereof," be referred to the sub-committee of the whole.

On motion of Mr. Oakley,

*Resolved*, That the Assembly bill, general order 453, entitled "An act supplemental to an act entitled 'An act to regulate and protect the planting of oysters in the public waters of the towns of Jamaica and Hempstead, in the county of Queens,' passed April 20, 1871," be referred to the sub-committee of the whole.

On motion of Mr. Oakley,

*Resolved*, That the Assembly bill, general order 440, entitled "An act to repeal chapter 928 of the Laws of 1871, entitled 'An act in relation to the laying out, opening and construction of a public highway, in the town of Hempstead, Queens county,'" be referred to the sub-committee of the whole.

On motion of Mr. Oakley,

*Resolved*, That the Assembly bill, general order 384, entitled "An act to provide for reopening West avenue, in Long Island city, Queens county," be referred to the sub-committee of the whole.

Mr. Oakley offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the Assembly bill, general order 59, entitled "An act to amend an act entitled 'An act to authorize the drainage of marsh lands,' passed June 9, 1868, and the acts amendatory thereof, passed April 22, 1869," be referred to the sub-committee of the whole.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative.

On motion of Mr. Houghton,

*Resolved*, That Assembly bill 415, general order 459, authorizing Saratoga Springs to elect a receiver of taxes and assessments," be referred to the sub-committee of the whole.

On motion of Mr. Murdock,

*Resolved*, That the Assembly bill, general order 332, entitled "An act to limit the amount of money to be paid to the Hornell Library Association to \$500, and to amend chapter 549 of the Laws of 1869," be referred to the sub-committee of the whole.

On motion of Mr. Hollister,

*Resolved*, That the Senate bill 119, general order 335, entitled "An act to enable the board of education of the village of Salem to borrow or raise by tax money for school purposes, and to provide for the payment thereof, with interest, if borrowed, by tax on said village," be referred to the sub-committee of the whole.

On motion of Mr. Wells,

*Resolved*, That the Assembly bill, general order 308, entitled "An act to authorize the election of an additional justice of the peace in the town of Sodus, in the county of Wayne," be referred to the sub-committee of the whole.

On motion of Mr. Wells,

*Resolved*, That the Assembly bill, general order 475, entitled "An act to release to George Buerckel and Magdalena Stell, the brother and sister of Henry Buerckel, deceased, all the right, title and interest of the people of the State of New York in and to a certain house and lot of land in the village of Lyons, county of Wayne, and State of New York," be referred to the sub-committee of the whole.

On motion of Mr. Badeau,

*Resolved*, That the Assembly bill, general order 344, entitled "An act to compel the commissioners appointed to build a town hall in the town of New Rochelle under chapter 88 of the Laws of 1868, and all acts amendatory thereof to account," be referred to the sub-committee of the whole.

On motion of Mr. Badeau,

*Resolved*, That the Assembly bill, general order 342, entitled "An act to repeal an act entitled 'An act to provide for the erection of a town hall in the village of Mount Vernon, town of East Chester, county of Westchester,' passed April 4, 1871," be referred to the sub-committee of the whole.

On motion of Mr. Badeau,

*Resolved*, That the Assembly bill, general order 331, entitled "An act to amend an act entitled 'An act to establish free schools in school district No. 4, in the town of East Chester, Westchester county, passed June 8, 1853,' be referred to the sub-committee of the whole.

On motion of Mr. Husted,

*Resolved*, That the Assembly bill, general order 546, entitled "An act to amend an act entitled 'An act to enable the several highway districts in the town of Greenbergh, Westchester county, west of or through which the highway known as the late Highland turnpike runs, to macadamize and otherwise improve the public highway within their respective district,' passed April 22, 1867," be referred to the sub-committee of the whole.

On motion of Mr. Husted,

*Resolved*, That the Assembly bill, general order 377, entitled "An act to authorize the construction of a bridge over Sing Sing kill, in the village of Sing Sing," be referred to the sub-committee of the whole.

On motion of Mr. Husted,

*Resolved*, That the Assembly bill, general orders 450, entitled "An act to amend chapter 534, of the Laws of 1871, entitled 'An act relative to the improvement of certain portions of the counties of Westchester and New York, including provisions for communication between said counties, and for improving the navigation of Harlem river and Spuyten Duyvil creek,' be referred to the sub-committee of the whole,

On motion of Mr. Davidson,

*Resolved*, That Assembly bill No. 493, general order 555, entitled "An act to amend the charter of the village of Perry, county of Wyoming," be referred to the sub-committee of the whole.

On motion of Mr. Smiley,

*Resolved*, That Assembly bill No. 497, general order 560, entitled "An act to declare Otter creek and its tributaries, in Lewis and Herkimer counties, a public highway," be referred to the sub-committee of the whole.

On motion of Mr. Haight,

*Resolved*, That the Assembly bill, general order 378, entitled "An act in relation to a part of Mamaroneck avenue, in the town of Mamaroneck, in the county of Westchester," be referred to the sub-committee of the whole.

On motion of Mr. Haight,

*Resolved*, That the Assembly bill, general order 379, entitled "An act in relation to Union avenue, in the towns of Mamaroneck and Rye, in the county of Westchester," be referred to the sub-committee of the whole.

On motion of Mr. Jacobs,

*Resolved*, That the Assembly bill, general order 565, entitled "An act to provide for the erection of a town-house in the town of New Lots, Kings county," be referred to the sub-committee of the whole.

On motion of Mr. Jacobs,

*Resolved*, That the Assembly bill, general order 561, entitled "An act to amend an act passed May 11, 1869, entitled 'An act to lay out and improve a public highway or avenue from Prospect park, in the city of Brooklyn, toward Coney Island, in the county of Kings,'" be referred to the sub-committee of the whole.

On motion of Mr. Jacobs,

*Resolved*, That the Assembly bill, general order 455, entitled "An act in relation to making and repairing highways and bridges in the town of Flatlands, in Kings county," be referred to the sub-committee of the whole.

On motion of Mr. Jacobs,

*Resolved*, That the Assembly bill, general order 454, entitled "An act to amend an act entitled 'An act for the appointment of commissioners to lay out a plan for roads and streets in the towns of Kings county,' passed May 7, 1869," be referred to the sub-committee of the whole.

On motion of Mr. Jacobs,

*Resolved*, That the Assembly bill, general order 410, entitled "An act to authorize the common council of the city of Brooklyn to open and improve Sanford street, from Myrtle avenue to Flushing avenue," be referred to the sub-committee of the whole.

On motion of Mr. Jacobs,

*Resolved*, That the Assembly bill, general order 437, entitled "An act to amend an act entitled 'An act to provide for widening the Coney Island plank-road in the county of Kings, and for the subsequent management thereof,' passed May 15, 1868," be referred to the sub-committee of the whole.

On motion of Mr. Sage,

*Resolved*, That Assembly bill No. 280, general order 610, entitled "An act to provide a fifth justice of peace in the town of Richland, Oswego county," be referred to the sub-committee of the whole.



On motion of Mr. Goss,

*Resolved*, That Assembly bill general orders 343, entitled "An act in relation to the powers and duties of the boards of supervisors of the county of Monroe," be referred to the sub-committee of the whole.

On motion of Mr. Prince,

*Resolved*, That the Assembly bill No. 339, general order 380, entitled "An act relating to non-resident taxes," be referred to the sub-committee of the whole.

On motion of Mr. Pierce,

*Resolved*, That the Assembly bill No. 490, general order 552, entitled "An act to establish a special road district in Franklin county, and appropriate certain non-resident taxes for the constructing and repairing of roads in the same," be referred to the sub-committee of the whole.

On motion of Mr. Pierce,

*Resolved*, That the Assembly bill No. 489, general order 551, entitled "An act to repeal chapter 100, Laws of 1858, entitled 'An act to construct a highway from the old State road, in Essex county, to Port Kent and Hopkinton turnpike, in Franklin county,'" be referred to the sub-committee of the whole.

On motion of Mr. Aitken,

*Resolved*, That the Assembly bill, general order 494, entitled "An act to amend an act to provide for the construction of a main and lateral sewer in Navy street, Johnson street and Hudson avenue, in the city of Brooklyn, passed April 6, 1871," be referred to the sub-committee of the whole.

On motion of Mr. Lincoln,

*Resolved*, That the Assembly bill, general order 513, entitled "An act to authorize the laying out, opening and working of a public highway in the village of Canandaigua, Ontario county, and raising money to defray the expenses of working said highway," be referred to the sub-committee of the whole.

On motion of Mr. Loughran,

*Resolved*, That the Assembly bill, general order 536, entitled "An act to repeal chapter 776 of the Laws of 1868, entitled 'An act to vest certain real estate belonging to the State, in the town of Marlborough, Ulster county, and to establish a public highway,' passed May 9, 1868," be referred to the sub-committee of the whole.

On motion of Mr. Rice,

*Resolved*, That the Senate bill, general order 582, entitled "An act to release the title and interest of the people of this State in certain real estate in the town of Frankfort, Herkimer county, to Owen Salisbury," be referred to the sub-committee of the whole.

On motion of Mr. Marcy,

*Resolved*, That the Assembly bill, general order 337, entitled "An act to change the time of the appointment of overseers of highways, and to define their duties in the county of Suffolk," be referred to the sub-committee of the whole.

On motion of Mr. Marcy,

*Resolved*, That the Assembly bill, general order 458, entitled "An act to amend an act entitled 'An act for the protection of the planting of oysters in the towns of Islip and Huntington, in the county of Suffolk,' passed March 31, 1866," be referred to the sub-committee of the whole.

On motion of Mr. Judd,

*Resolved*, That the Assembly bill, general orders 237, entitled "An act

for the relief of the devisees and heirs-at-laws of Louis Planer, and Josephine Planer, deceased," be referred to the sub-committee of the whole.

By unanimous consent, Mr. Husted introduced a bill entitled "An act in relation to the capital stock of corporations," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on local and special laws.

Mr. Alvord presented a memorial of soldiers of 1812, asking for an appropriation sufficient to cancel all certificates now in the office of the Comptroller, and to call in all certificates now outstanding; which was read, and, on motion of Mr. Alvord, ordered printed and referred to the committee on ways and means.

Mr. Aitken presented a remonstrance of sixty-nine exempt firemen, against the passage of an act to incorporate the Exempt Firemen's Association of the city of Brooklyn; which was read and referred to the committee on the affairs of cities.

Messrs. Preston, Ray, Beckwith, Hungerford, I. H. Babcock, Badeau, Gregory, Moore, Rose, Ford, Houghton, Murdock, Smith, Holdridge and Tobey, severally, presented petitions in favor of local prohibition in the sale of intoxicating liquors; which were read and committed to the committee of the whole.

Mr. I. H. Babcock presented a remonstrance of William S. Pike and fifty-one others, tax-payers of Newfane, Niagara county, against the passage of any act to legalize the bonding of said town for the construction of the Lake Ontario Shore railroad; which was read and referred to the committee on railroads.

Messrs. I. D. Brown and Lott, presented two petitions of citizens of Seneca and Cayuga counties for the passage of an act to remove obstructions in the Seneca river, at Mosquito Point; which was read and committed to the committee of the whole.

Mr. Preston presented several remonstrances against the repeal of the classification act and legislative interference in the management of the Erie railway; which were read and laid on the table.

Mr. Pell presented a petition of the Baptist Home Relief Association; which was read and referred to the committee on ways and means.

Mr. Alvord presented the petition of Charlotte B. Wilbur and other women, asking for an amendment to the Constitution, abolishing all political distinctions on account of sex; which was read and referred to the committee on the judiciary.

Mr. Pierce presented the petition of citizens of Franklin county for the establishment of special road districts; which was read and referred to the committee on roads and bridges.

Mr. I. H. Babcock presented the petition of the citizens of Lockport, New York, for an appropriation to complete the Transit street bridge over the Erie canal in that place; which was read and referred to the committee on canals.

Mr. Lincoln presented a petition for State prohibition of the sale of liquor; which was read and referred to the committee on internal affairs.

Mr. Alvord presented the petition of citizens of certain towns in Onondaga county, asking for the extension of the railroad bonding act; which was read and referred to the committee on railroads.

Mr. Judd presented the petition of Staten Islanders for metropolitan police; which was read and referred to the committee on the judiciary.

Also, the petition of the merchants of New York for reform of the



harbor-master abuses; which was read and referred to the committee on commerce and navigation.

Mr. Houghton presented the petition of residents of Saratoga Springs asking the repeal of certain acts in relation to walks and avenues in Saratoga Springs; which was read and referred to the committee on the affairs of villages.

Mr. Wells presented the petition of William Gillett and 204 citizens of Wayne county to extend the powers of the court of special sessions in said county; which was read and referred to the committee on the judiciary.

Mr. Badeau presented the petition of citizens of the towns of White Plains, Harrison and Mamaroneck, in the county of Westchester, for the passage of a law to refund the moneys collected for the opening of Mamaroneck avenue; which was read and referred to the committee on roads and bridges.

Mr. Alberger presented the petition of John B Lee and others, citizens of Buffalo, praying that mortgages be exempt from taxation; which was read and referred to the committee on the judiciary.

By unanimous consent, Mr. Alberger introduced a bill entitled "An act to incorporate the trustees of the Presbytery of Westchester," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Carroll introduced a bill entitled "An act to amend an act to incorporate the city of Rome, passed February 23, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Berri introduced a bill entitled "An act to provide for the government of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Baltz introduced a bill entitled "An act to exempt bonds and mortgages on real estate from taxation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

By unanimous consent, Mr. Burns introduced a bill entitled "An act to provide for the establishment of a State reformatory institution, to be called the Graded Reformatory for Girls to be located in the city of Syracuse, and make appropriation for the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

By unanimous consent, Mr. Cook introduced a bill entitled "An act for the better protection of health in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public health.

By unanimous consent, Mr. Moore introduced a bill entitled "An act in relation to the First Baptist Church and Society in Ogdensburgh," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Fields then moved that all orders of business except "reports of committees" and "introduction of bills" be laid on the table.

Mr. Speaker put the question whether the House would agree to said



motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Alvord, from the committee on ways and means, reported a bill entitled "An act to provide means to pay the Canal and General Fund deficiencies directed to be paid by the act chapter        of the Laws of 1872," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Alvord, from the committee on ways and means, to which was recommitted the bill entitled "An act to supply deficiencies in former appropriations, and to pay the indebtedness of the State, which deficiencies and indebtedness have been changed into liabilities for money borrowed to pay them, or into certificates of indebtedness on which the State is now paying interest, and to pay the floating indebtedness of the State and the estimated liabilities for the present fiscal year, not yet provided by law," reported in favor of the passage of a substitute for the same, entitled "An act to supply deficiencies in former appropriations and to pay the indebtedness of the State on account of the canals, which deficiencies and indebtedness have been changed into liabilities for moneys borrowed to pay them or into certificates of indebtedness on which the State is now paying interest, and to pay the floating indebtedness of the State, and the estimated liabilities for the present fiscal year, not yet provided by law, and to raise money therefor by an issue of the bonds of the State, and to provide for submitting the question thereon to the people," which report was agreed to and said bill committed to the committee of the whole, retaining its place on general orders.

Mr. Alvord, from the committee on ways and means, to which was recommitted the bill entitled "An act to provide for the audit and payment of certain claims and expenses incurred by the direction of the Governor and Attorney-General, in the city of New York," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole, retaining its place on the order of third reading of bills.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act to authorize the construction of a farm bridge over the Champlain canal, for the benefit of Hiram Cramer," reported in favor of the passage of the same, which report was agreed to and said bill committed to the committee of the whole.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act to provide for the repair of the north bank of the Erie canal, in Tonawanda creek, in the town of Pendleton, and for the protection of the highway along said canal from injury by being washed by the waters thereof," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act to provide for the care and maintenance by the Canal Commissioners of Illingworth and Beach's bridges over a portion of the Black river used for canal purposes," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act for the relief of Cornelia G. Fuller and Annie E. Fitzhugh, devisees and legatees under the last will and testament of Charles H. Carroll, deceased," reported in favor of the passage of the

same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Geib, from the committee on commerce and navigation, to which was referred the bill entitled "An act supplemental to an act entitled 'An act for the improvement of the navigation of the tributaries of the Great South Bay,' passed April 28, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the Senate bill entitled "An act to authorize the Pennsylvania and Sodus Bay railroad and the Sodus Point and Southern Railroad Company to connect their respective railroads by branches therefrom," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend the charter of the village of White Plains in the county of Westchester," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the trustees of the village of White Plains, in the county of Westchester, to regulate, grade, macadamize or pave Railroad avenue in said village,' passed April 19, 1871, and for the protection of the pavement on the said street or avenue," reported in favor of the passage of the same with amendments; which report was agreed to and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend an act for the incorporation of cities and villages,' passed December 7, 1847, so far as the same relates to the village of North Tonawanda, Niagara county, passed April 17, 1871," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Lansingburgh,' passed April 16, 1864," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to legalize the election of trustees and other corporation officers of the village of Fonda," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the Quincy Rural Cemetery Association of the county of Chautauqua," reported the same with a recommendation that it be referred to the committee on local and special laws, which report was agreed to and said bill so referred.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act in relation to the East and West Martinsburg burial-grounds," reported in favor of the pas-



sage of the same ; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to authorize the Lockport Home for the Friendless to contract with the county of Niagara for the care and support of poor children of said county and as to the trustees of said society," reported in favor of the passage of the same ; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend the charter of the Orphan Asylum Society in the city of New York," reported in favor of the passage of the same ; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to confirm a deed from the consistory of the Reformed Dutch Church of Poughkeepsie to the consistory of the Second Reformed Dutch Church of Poughkeepsie," reported in favor of the passage of the same ; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring from the committee on charitable and religious societies, to which was referred the bill entitled "An act to legalize the election of trustees of Sleepy Hollow Cemetery, at Tarrytown, and to confirm their official acts, and to provide for the election of a new board of trustees," reported in favor of the passage of the same with amendments ; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the Senate bill entitled "An act to amend the charter of the Society of St. John Land, in the county of Suffolk, incorporated under the provisions of an act entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' passed April 12, 1848," reported in favor of the passage of the same ; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the Concordia Singing Society of the city of Brooklyn," reported adversely thereto, which report was agreed to.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the Singing Society Concordia Gesangverein of the city of Brooklyn," reported adversely thereto, which report was agreed to.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the West Sandlake Musical Association," reported adversely thereto, which report was agreed to.

Mr. Smiley, from the committee on public printing, to which was referred the following resolution: "*Resolved*, That the committee on printing be instructed to inquire into the cost of printing 1,000 copies of the special report of the Superintendent of the Bank Department, concerning savings banks, transmitted to the Legislature January 8, 1868, in pursuance of a resolution of the Legislature of 1867," reported that the document referred to above makes 588 pages; that 1,000 copies can be



procured, printed on fine paper, with paper covers, for \$1,209.50; 2,000 copies can be procured for \$1,683.42.

*Ordered,* That said report be laid on the table.

Mr. Sniper, from the committee on the militia, to which was referred the bill entitled "An act to establish a rifle range and to promote skill in marksmanship among the National Guard," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Knettles, from the committee on the militia, to which was referred the bill entitled "An act to amend chapter 80 of the Laws of 1870, entitled 'An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defense, and entitled the Military Code,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Geib, from the committee on the militia, to which was referred the bill entitled "An act relating to mounted batteries of artillery of the National Guard," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. G. P. Lord, from the committee on public education, to which was referred the petition for amendment to act relating to the college of the city of New York, reported by bill entitled "An act to amend an act entitled 'An act authorizing the board of education of the city and county of New York to establish a free academy in said city,'" which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. G. P. Lord, from the committee on public education, to which was referred the bill entitled "An act to amend section 3 of chapter 364 of the Laws of 1871, entitled 'An act to provide for the purchase of a new school-house site, and for the erection of a school-house thereon in school district No. 3, at Whitestone, in the town of Fushing, Queens county,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. G. P. Lord, from the committee on public education, to which was referred the bill entitled "An act to increase the number of trustees of the Oxford Academy," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. G. P. Lord, from the committee on public education, to which was referred the bill entitled "An act to amend chapter 585 of the Laws of 1865, entitled 'An act to establish Cornell University, and to appropriate to it the income of the sale of public lands granted to this State by Congress on the 2d of July, 1862,' also to restrict the operation of chapter 511 of the Laws of 1863," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. G. P. Lord, from the committee on public education, to which was referred the bill entitled "An act to amend section 1 of chapter 637 of the Laws of 1866, entitled 'An act in relation to the College of the city of New York,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the city of Oswego to borrow and disburse moneys for city purposes," reported in favor of the passage of the same; which report was agreed to, and said bill, committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act authorizing the city of Rochester to issue its bonds to an amount not to exceed seventy-five thousand dollars for the purpose of building a free academy," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to provide for the election of police commissioners of the city of Oswego, and to organize a police department therein, and to amend the charter of said city,' passed April 16, 1870," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the common council of the city of Brooklyn to open, grade, pave and complete certain streets in said city," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the common council of the city of Brooklyn to open, grade, pave and complete Douglass street in said city," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was recommitted the bill entitled "An act to amend an act entitled 'An act to incorporate the city of Newburgh,' passed April 22, 1865, and of the several acts amendatory thereof," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to exempt the real estate of the Oswego fire department from taxation," reported adversely thereto; which report was agreed to.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to facilitate the opening of certain streets in the city of New York," reported adversely thereto; which report was agreed to.

The following bills were referred to the committee on local and special laws:

"An act for the protection of tax-payers against the frauds, embezzlements and wrongful acts of public officers and agents."

"An act to incorporate the McClintock Association."

"An act to authorize the Ira Union Cemetery Association to acquire title to certain lands and lots No. 12 and No. 24 of the original township of Cato, now Ira, in the county of Cayuga."

"An act in relation to the Sea Cliff Grove and Metropolitan Camp-ground Association."

"An act to provide for the dissolution of religious societies and for the sale and disposition of the proceeds of the property of such societies."

"An act to incorporate the Society of St. Vincent de Paul, in the city of New York."

Senate, "An act to incorporate the Young Men's Christian Association of the town of New Utrecht."

Senate, "An act for the relief of certain religious societies in the county of Kings."

"An act to incorporate the Oswegatchie Bridge Company."

"An act to equalize representation in the several boards of supervisors in this State."

"An act to incorporate the West Sand Lake Stock Association of Fergison's Cornet Band, State of New York."

"An act to empower the levying of a tax on union school district No. 1, in the town of Clarence, county of Erie, for the purpose of creating a permanent fund for the employment of teachers, and to regulate the investment and management of said fund; also, to create the office of loan commissioner for said district, and to provide for the exemption of said district from taxes for the payment of teachers' wages."

"An act in relation to proceedings for the safe keeping and care of lunatics."

"An act to provide for fair grounds in the county of Chemung."

Senate, "An act to incorporate the Bay Ridge Contracting Company."

"An act to incorporate the Metropolitan Contracting Company of the city of New York."

"An act to authorize the formation, establishing and maintaining of driving park, park and agricultural associations."

By unanimous consent, Mr. Pierce introduced a bill entitled "An act making an appropriation for Danforth Briggs," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

By unanimous consent, Mr. Pierce also introduced a bill entitled "An act to establish a special road district in Franklin county, and appropriate the non-resident highway taxes therein," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

The Senate returned the bill entitled as follows:

"An act for the better prevention of the procurement of abortions and other like offenses, and to amend the laws relative thereto."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Rose moved that the House take a recess until 7½ o'clock.

Mr. Fields moved that the House now adjourn.

Mr. Speaker then put the question whether the House would agree to the motion of Mr. Fields, and it was determined in the affirmative.

At 2 o'clock and 27 minutes the House adjourned.



## THURSDAY, MARCH 21, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Kelsay.

The journal of yesterday was read and approved.

Mr. Smyth, from the committee on engrossed bills, reported as correctly re-engrossed the bills entitled as follows:

"An act to amend an act passed May 3, 1870, entitled 'An act to incorporate the city of Troy,' passed April 12, 1816, and the several acts amendatory thereto, and also to amend other acts relating to the city of Troy."

"An act providing for additional compensation to deputies, clerks and assistants in the various departments of State government."

Also, that they have compared the bill, recalled from the Governor, entitled "An act to extend the provisions of chapter 113 of the Laws of 1853, entitled 'An act declaring the Indian river a public highway,' passed January 25, 1872," and find the same correctly re-engrossed.

Also, as correctly engrossed, the bills entitled as follows:

"An act to amend an act entitled 'An act to authorize the Syracuse Northern Railroad Company to construct and maintain a swing-bridge over the Oswego canal, in the first ward of the city of Syracuse,' passed April 7, 1871, so as to include the second and third wards of said city."

"An act to provide for the audit and payment of certain claims and expenses incurred by the direction of the Governor and Attorney-General in the city of New York."

"An act to amend chapter 65 of the Laws of 1871, entitled 'An act to revise and consolidate the laws in relation to the village of Geneva, in the county of Ontario, passed March 3, 1871,' passed by unanimous consent March 20, 1872."

Mr. Rose, from the sub-committee of the whole, presented a report from said committee in words following; which was laid on the table and ordered printed.

(See Doc. No. 100.)

Mr. A. L. Van Dusen, from the committee on engrossed bills, reported as correctly re-engrossed the bill, as amended by the Senate, entitled as follows:

"An act for the better prevention of the procurement of abortions and other like offenses, and to amend the laws relative thereto."

A message from the Senate was received and read, informing of concurrence in the passage of the following entitled bills:

"An act to amend an act entitled 'An act to incorporate the city of Lockport,' passed April 11, 1865, and the acts amendatory thereof."

"An act relating to the New York and Long Island Ferry Company."

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Speaker presented a communication from Charles E. Loew, clerk of the county of New York, in response to a resolution of the Assembly adopted March 7, 1872. In said communication the said clerk also requested further time to make up the balance of the information called for in said resolution; which was laid on the table and ordered printed.

(See Doc. No. )

Mr. Speaker presented a communication, in the words following:

POLICE COURT, THIRD DISTRICT, }  
NEW YORK, March 20, 1872. }

HON. HENRY SMITH, *Speaker of Assembly, Albany, N. Y.*:

DEAR SIR.—I am in receipt of a copy of a resolution offered by Mr. Foley, and adopted March 11th, requiring from the commissioners appointed to construct a new court-house in the third judicial district of the city of New York, a detailed statement of work, and materials and expenditures on said court-house.

The draft of the resolution did not reach me until three days after its adoption, and we have been unable to collect all the information called for within the prescribed time, ten days.

Mr. Foley, who offered the resolution, has told me that he would have no objection to a reasonable extension of the time to answer, and on behalf of the commissioners, I respectfully solicit you to extend the time, promising to report the information called for, at the earliest practicable moment.

Trusting that I will be favored with an early affirmative reply to this request,

I am, very respectfully, yours, &c.,

E. J. CHANDLEY,

*Police Justice and Commissioner, &c.*

On motion of Mr. Foley, ten days further time was granted to said commissioners to furnish to the Assembly the information called for.

The Clerk was directed to so inform said commissioners.

A message from the Senate was received and read, requesting the concurrence of the Assembly to a resolution, in the words following, to wit:

*Resolved* (if the Assembly concur), That the Legislature adjourn *sine die*, on the 10th day of April next, at 2 o'clock P. M.

*Ordered*, That said resolution be laid on the table.

The Senate sent for concurrence the bills entitled as follows:

"An act to amend an act entitled 'An act to amend an act to incorporate the village of Goshen, passed April 18, 1843, so as to enable the inhabitants of said village to obtain a supply of water for public and private uses,' passed March 27, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend the charter of the United States Life Insurance Company in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

"An act to extend the powers of notaries public in the city and county of New York, and in the county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to regulate the compensation of the special county judge and special surrogate of Chautauqua county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to incorporate the Syracuse Driving Park Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

The Senate returned the bill entitled "An act to establish a board of health and of vital statistics in the county of Richmond, and to define its powers and duties," with a message that they had passed the same with the following amendments:

Section 2, lines 9 and 10, strike out the words "and a member of the Richmond Medical Society."

Section 5, line 4, strike out the words "beyond the small though reasonable," and insert in lieu thereof the words "except the;" same section, line 25, strike out the word "twenty-five," and insert in lieu thereof the word "fifteen."

Add at the end of section 17 the following words "but nothing in this act shall be so construed as to affect the ordinances relative to quarantine."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Cook       | A. Hill    | Mosher     | Smyth           |
| Aitken        | Crandall   | D. B. Hill | Moulton    | Sniper          |
| Alberger      | Davidson   | Holdridge  | Murdock    | Speaker         |
| Alvord        | Dykeman    | Hollister  | Osgood     | Tobey           |
| D. L. Babcock | Eastman    | Husted     | Paige      | D. Tomkins      |
| I. H. Babcock | Enos       | Hyatt      | Pell       | M. M. Tompkins  |
| Badeau        | Ford       | Jacobs     | Preston    | Twombly         |
| Beckwith      | Fort       | Judd       | Ray        | A. L. Van Dusen |
| Bennett       | Fowler     | Kilian     | Rice       | Wells           |
| Berri         | Goss       | Kingsland  | Röche      | Whitbeck        |
| Blair         | Green      | Knettles   | Rose       | White           |
| E. E. Brown   | Greenhalgh | Lewis      | Sage       | Whitaker        |
| Buckley       | Gregory    | Lincoln    | Shepardson | Wiley           |
| Buell         | Haight     | Loughran   | Simson     | Woodward        |
| Burns         | Hawkins    | Mackay     | Smiley     | Woolsey         |
| Carroll       | Healy      | Moore      | Smith      | Yeomans         |
| Chambers      |            |            |            |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act in relation to the village of Canandaigua, and to provide a police justice and police constables in said village, and defining their jurisdiction, power and duties," with a message that they had passed the same with the following amendments:

Section 3, line 3, engrossed bill, strike out the words "twelve hundred" and insert the words "one thousand."

Section 4, lines 6 and 7, strike out the words "without allowing bail to the grand jury."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.



{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Abbott        | Chambers   | Herrick    | Mackay  | Smith           |
| Aitken        | Cook       | A. Hill    | Moore   | Smyth           |
| Alberger      | Crandall   | Holdridge  | Mosher  | Sniper          |
| Alvord        | Davidson   | Hollister  | Moulton | Speaker         |
| D. L. Babcock | Dunphy     | Hungerford | Murdock | Swain           |
| Badeau        | Eastman    | Husted     | Osgood  | Tobey           |
| Beckwith      | Ford       | Jacobs     | Paige   | D Tomkins       |
| Bennett       | Fort       | Judd       | Pell    | A. L. Van Dusen |
| Berri         | Fowler     | Kilian     | Preston | Wells           |
| Blair         | Geib       | Kingsland  | Ray     | Whitbeck        |
| E. E. Brown   | Goss       | Knettles   | Rice    | White           |
| Buckley       | Green      | Lewis      | Roche   | Whitaker        |
| Buell         | Greenhalgh | Lincoln    | Rose    | Wiley           |
| Burns         | Gregory    | G. P. Lord | Sage    | Woodward        |
| Carroll       | Hawkins    | Lott       | Simson  | Woolsey         |
| Chamberlain   | Healy      | Loughran   | Smiley  | Yeomans         |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to amend an act entitled 'An act to amend an act passed July 21, 1853, entitled An act to amend an act to provide for the incorporation of companies to construct plank-roads,' passed May 7, 1847, and the acts amendatory thereof, passed April 14, 1855," with a message that they had passed the same with the following amendment:

Section 1, line 17, engrossed bill, after the word "May" insert the words "in their discretion."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Chamberlain | Healy      | Lincoln    | Roche           |
| Aitken        | Chambers    | Herrick    | G. P. Lord | Rose            |
| Alberger      | Cook        | A. Hill    | Lott       | Sage            |
| Alvord        | Couchman    | D. B. Hill | Loughran   | Shepardson      |
| D. L. Babcock | Crandall    | Holdridge  | Mackay     | Simson          |
| I. H. Babcock | Davidson    | Hollister  | Marcy      | Smiley          |
| Badeau        | Dunphy      | Hungerford | Moore      | Smith           |
| Beckwith      | Eastman     | Husted     | Mosher     | Smyth           |
| Bennett       | Foley       | Jacobs     | Moulton    | Snyder          |
| Berri         | Ford        | Judd       | Murdock    | Speaker         |
| Blair         | Fort        | Kennedy    | Osgood     | A. L. Van Dusen |
| E. E. Brown   | Fowler      | Kilian     | Pell       | White           |
| I. D. Brown   | Geib        | Kingsland  | Pierce     | Whitaker        |
| Buckley       | Green       | Knapp      | Preston    | Woodward        |
| Buell         | Greenhalgh  | Knettles   | Ray        | Woolsey         |
| Burns         | Gregory     | Lewis      | Rice       | Yeomans         |
| Carroll       | Hawkins     |            |            |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

By unanimous consent, Mr. Fort offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That Assembly bill No. 129, general order 147, entitled "An act ceding jurisdiction to the United States over certain lands in the counties of Niagara and Erie that may be occupied for the construction and maintenance of a ship canal around the falls of Niagara," be referred to the first committee of the whole.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

This being the day assigned by the rules for consideration of general orders,

The House then resolved itself into a committee of the whole on the bill entitled as follows :

"An act ceding jurisdiction to the United States over certain lands in the counties of Niagara and Erie that may be occupied for the construction and maintenance of a ship canal around the falls of Niagara."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Mosher, from said committee, reported progress on said bill, and asked leave to sit again.

The question being upon granting leave,

Mr. Alberger moved to discharge the committee of the whole from the further consideration of said bill, and that the same be recommitted to the committee on canals, with instructions to strike out the enacting clause.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

{ AYES 46 }  
{ NOES 38 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Aitken        | Chambers   | Haughton   | G. P. Lord | Pierce          |
| Alberger      | Crandall   | J. Hayes   | Lott       | Preston         |
| Alvord        | Davidson   | Herrick    | Mosher     | Ray             |
| D. L. Babcock | Fields     | Hungerford | Moulton    | Smith           |
| Badeau        | Foley      | Husted     | Murdock    | M. M. Tompkins  |
| Baltz         | Fowler     | Kennedy    | Oakley     | Twombly         |
| Beckwith      | Geib       | Knapp      | Osgood     | A. L. Van Dusen |
| Burritt       | Goss       | Knettles   | Paige      | Wiley           |
| Campbell      | Greenhalgh | Lincoln    | Pell       | Yeomans         |
| Carroll       |            |            |            |                 |

Those who voted in the negative, were

|               |            |           |            |            |
|---------------|------------|-----------|------------|------------|
| Abbott        | Enos       | Hollister | Rice       | Sniper     |
| I. H. Babcock | Ford       | Houghton  | Rose       | Speaker    |
| E. E. Brown   | Fort       | Hyatt     | Sage       | Springsted |
| I. D. Brown   | Green      | Kilian    | Shepardson | Tobey      |
| Buckley       | Healy      | Kingsland | Simson     | Whitbeck   |
| Buell         | A. Hill    | Lewis     | Smiley     | White      |
| Burns         | D. B. Hill | Mackay    | Smyth      | Whitaker   |
| Chamberlain   | Holdridge  | Moore     |            |            |

Mr. Fort moved to reconsider said vote, and that that motion lay on the table.

Mr Speaker put the question whether the House would agree to said motion to lay on the table, and it was determined in the affirmative.

On motion of Mr. Husted,

*Resolved* (if the Senate concur), That a respectful message be sent to the Governor, requesting him to return to the Assembly the Assembly

bill No. 109, entitled "An act to extend the operation and effect of the act passed February 17, 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' and entitled, as the title of said act was amended by an act passed April 28, 1866, 'An act to authorize the formation of corporations for manufacturing, mining, mechanical, chemical, agricultural, horticultural, medical or curative, mercantile or commercial purposes,'" for amendment.

Mr. Fields moved that the clerk of the county of New York be granted ten days further time in which to comply with the request of the Assembly under resolution adopted March 7th.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

On motion of Mr. Alvord, and by unanimous consent, the rule was suspended so as to give the committee on ways and means all of next week in which to make their report on the bill known as the "Annual Supply Bill."

Leave of absence was granted to Mr. West, indefinitely, on account of sickness.

On motion of Mr. Houghton, at 2 o'clock and 20 minutes, the House took a recess until 7½ o'clock.

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#### HALF-PAST SEVEN O'CLOCK P. M.

The House again met.

Mr. Lott, from the committee on engrossed bills, reported as correctly re-engrossed the bills, as amended in the Senate, entitled as follows:

"An act to establish a board of health and of vital statistics in the county of Richmond, and to define its powers and duties.

"An act to amend an act entitled 'An act to amend an act passed July 21, 1853, entitled An act to amend an act to provide for the incorporation of companies to construct plank-roads, passed May 7, 1847,' and the acts amendatory thereof, passed April 14, 1855."

"An act in relation to the village of Canandaigua, and to provide a police justice and constables in said village, and defining their jurisdiction, power and duties."

Mr. Husted, from the committee on local and special laws to which was referred the bill entitled "An act to authorize the formation, establishing and maintaining of driving park, park and agricultural associations," reported that it is a general act.

*Ordered*, That said bill be placed on the preferred calendar.

Mr. Husted, from the committee on local and special laws, to which was referred the bill entitled "An act to equalize representation in the several boards of supervisors in this State," reported that it is a general act.

*Ordered*, That said bill be placed on the preferred calendar.

Mr. Husted, from the committee on local and special laws, to which was referred the Senate bill entitled "An act for the protection of taxpayers against the frauds, embezzlements and wrongful acts of public officers and agents," reported that it is a general act.

*Ordered*, That said bill be placed on the preferred calendar.

Mr. Husted, from the committee on local and special laws, to which was referred the bill entitled "An act to provide for the dissolution of



religious societies, and for the sale and disposition of the proceeds of the property of such societies," reported that it is a general act.

*Ordered*, That said bill be placed on the preferred calendar.

Mr. Foley, from the committee on local and special laws, to which was referred the Senate bill entitled "An act to allow the town of Bethany, Genesee county, to raise an increased amount of money for the support of roads and bridges in said town," reported that there is no general law applicable.

*Ordered*, That said bill be replaced on calendar of general orders.

Mr. Foley, from the committee on local and special laws, to which was referred the bill entitled "An act to incorporate the Oswegatchie Bridge Company," reported that there is no general law applicable.

*Ordered*, That said bill be replaced on calendar of general orders.

Mr. Foley, from the committee on local and special laws, to which was referred the bill entitled "An act to provide for fair grounds in the county of Chemung," reported that there is no general law applicable.

*Ordered*, That said bill be replaced on calendar of general orders.

Mr. Blair, from the committee on local and special laws, to which was referred the bill entitled "An act to incorporate the Metropolitan Contracting Company in the city of New York," reported that there is no general law applicable.

*Ordered*, That said bill be replaced on calendar of general orders.

Mr. Blair, from the committee on local and special laws, to which was referred the bill entitled "An act in relation to the Sea Cliff Grove and Metropolitan Camp-ground Association," reported that there is no general law applicable.

*Ordered*, That said bill be replaced on calendar of general orders.

Mr. Blair, from the committee on local and special laws, to which was referred the bill entitled "An act to incorporate the Society of St. Vincent de Paul, in the city of New York," reported that there is no general law applicable.

*Ordered*, That said bill be replaced on calendar of general orders.

Mr. Blair, from the committee on local and special laws, to which was referred the Senate bill entitled "An act for the relief of certain religious societies in the county of Kings," reported that there is no general law applicable.

*Ordered*, That said bill be replaced on the calendar of general orders.

Mr. Lincoln, from the committee on local and special laws, to which was referred the bill entitled "An act to authorize the Ira Union Cemetery Association to acquire title to certain lands and lots Nos. 12 and 24 of the original township of Cato, now Ira, in the county of Cayuga," reported there is no general law applicable to the same.

*Ordered*, That said bill be replaced on the calendar of general orders.

By unanimous consent, on motion of Mr. Jacobs,

*Resolved*, That the Assembly bill, general order 408, entitled "An act to authorize the board of education of the city of Brooklyn to sell certain lands," be referred to the sub-committee of the whole.

Mr. Lincoln, from the committee on local and special laws, to which was referred the bill entitled "An act to empower the levying of a tax on union school district No. 1, in the town of Clarence, county of Erie, for the purpose of creating a permanent fund for the employment of teachers, and to regulate the investment and management of said fund; also to create the office of loan commissioner for said district, and to pro-

vide for the exemption of said district from taxes for the payment of teachers' wages," reported that there is no general law applicable.

*Ordered*, That said bill be replaced on calendar of general orders.

Mr. Lincoln, from the committee on local and special laws, to which was referred the Senate bill entitled "An act to incorporate the Bay Ridge Contracting Company," reported that there is no general law applicable.

*Ordered*, That said bill be replaced on calendar of general orders.

By unanimous consent, Mr. Eastman introduced a bill entitled "An act in relation to the board of State Commissioners of Public Charities," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State charitable institutions.

By unanimous consent, and on motion of Mr. Houghton,

*Resolved*, That Assembly bill No. 494, general order 556, entitled "An act in relation to the board of health for the village of Saratoga Springs," be referred to the sub-committee of the whole.

By unanimous consent, and on motion of Mr. Houghton,

*Resolved*, That Assembly bill No. 473, general order 533, entitled "An act for the relief of the inhabitants of school district No. 1, in the town of Moreau, Saratoga county," be referred to the sub-committee of the whole.

By unanimous consent, and on motion of Mr. Judd,

*Resolved*, That Assembly bill No. 400, general order 443, entitled "An act to amend an act entitled 'An act to amend, consolidate and re-enact an act entitled An act to incorporate the village of Edgewater,' passed March 22, 1866, and an act amending the same, passed April 22, 1867, and to extend the powers of the corporation, passed May 5, 1870," be referred back to the committee on affairs of villages, retaining its place on general orders.

By unanimous consent, and on motion of Mr. Foley,

*Resolved*, That the Assembly bill No. 453, general order 503½, entitled "An act for the protection of livery stable keepers and keepers of horses at riding academies," be referred to the sub-committee of the whole.

By unanimous consent, and on motion of Mr. Davidson,

*Resolved*, That the Assembly bill No. 402, general order 445, entitled "An act to amend an act entitled 'An act to amend the charter of the village of Warsaw, and to authorize said village to raise money to procure water and to protect said village and the property therein against loss by fire,' passed February 18, 1871," be referred to the sub-committee of the whole.

By unanimous consent, and on motion of Mr. Davidson,

*Resolved*, That Assembly bill No. 401, general order 444, entitled "An act to amend an act entitled 'An act to consolidate and amend the several acts relating to the village of Warsaw, and to enlarge the powers of the corporation of said village,' passed March 17, 1860," be referred to the sub-committee of the whole.

By unanimous consent, and on motion of Mr. Davidson,

*Resolved*, That the Assembly bill No. 298, general orders 333, entitled "An act to authorize the board of education of school district No. 10, in the town of Warren, to erect a school building, and provide means for payment thereof," be referred to the sub-committee of the whole.

By unanimous consent,

Mr. Moore, from the committee on charitable and religious societies,



to which was referred the bill entitled "An act in relation to the First Baptist Church Society in the city of Ogdensburgh," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent, and on motion of Mr. Holdridge,

*Resolved*, That the Senate bill No. 120, general order 568, entitled "An act authorizing the town of Little Valley, Cattaraugus county, to issue bonds to pay its indebtedness incurred in the building of the courthouse and jail in said town," be referred to the sub-committee of the whole.

By unanimous consent, and on motion of Mr. Simson,

*Resolved*, That the Assembly bill, general order 577, entitled "An act to empower the levying of a tax on union school district No. 1, in the town of Clarence, county of Erie, for the purpose of creating a permanent fund for the employment of teachers, and to regulate the investment and management of said fund; also to create the office of loan commissioner for said district, and to provide for the exemption of said district from taxes for the payment of teachers' wages," be referred to the sub-committee of the whole.

By unanimous consent Mr. Eastman offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved* (if the Senate concur), That the Clerks of the Senate and Assembly be directed to furnish to each member of the Senate and Assembly and to the clerks of the Senate and clerks of the Assembly for the present year one hundred copies each of the State Manual for 1872; and to the other officers and reporters of the Senate and Assembly for the year 1872, entitled to stationery orders, twenty-five copies each; provided, however, that the price shall not exceed one dollar per copy.

*Ordered*, That said resolution be laid on the table.

By unanimous consent, Mr. Husted introduced a bill entitled "An act to amend an act entitled 'An act regulating the sale of intoxicating liquors,' passed April 11, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on local and special laws.

By unanimous consent, Mr. Husted introduced a bill entitled "An act to change the names of Mary Cornelia Doolittle and Mary Byington, Josephine Adele and Annie Laurie, her children, to Mary C. St. Clair, Mary Byington St. Clair, Josephine Adele St. Clair and Annie Laurie St. Clair," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, and on motion of Mr. Haight,

*Resolved*, That the Assembly bill No. 312, general order 350, entitled "An act to amend an act passed April 26, 1870, entitled 'An act to make further provision for the government of the city of New York,'" be referred to the sub-committee of the whole.

By unanimous consent, Mr. E. E. Brown introduced a bill entitled "An act to release to Mary Ann Black certain real estate in the city of Auburn in the county of Cayuga, of which Archibald Black, her husband, died seized," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Houghton, introduced a bill entitled "An act to repeal the act entitled 'An act to provide for laying out and



improving roads and avenues in the village and town of Saratoga Springs,' passed May 5, 1870, and the several acts amendatory thereof, so far as relates to widening Spring avenue, between Lake avenue and Circular street," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, and on motion of Mr. I. D. Brown,

*Resolved*, That the Assembly bill, general order 515, entitled "An act to authorize the Ira Union Cemetery Association to acquire title to certain lands and lots No. 12 and No. 24, of the original township of Cato, now Ira, in the county of Cayuga," be referred to the sub-committee of the whole.

Mr. Speaker announced the special order of business, general orders.

The House then resolved itself into a committee of the whole on the bills entitled as follows :

"An act to amend an act entitled 'An act to amend an act entitled An act to reduce the number of town officers and town and county expenses, and to prevent abuses in auditing town and county accounts, passed May 10, 1845,' passed December 14, 1847."

Senate, "An act to authorize corporators to hold and convey real estate, for business purposes, in other States, with the consent thereof."

"An act to authorize the extension and construction of railroad tracks in Tenth street and other streets and avenues in the city of New York."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Crandall, from said committee, reported in favor of the passage of the first and third mentioned bills, the third mentioned with amendments; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Crandall, from said committee, also reported in favor of the passage of said second mentioned bill; which report was agreed to, and said bill ordered to a third reading.

Mr. Wiley offered for the consideration of the House the following privileged resolution :

*Resolved* (if the Senate concur), That a respectful message be sent to His Excellency the Governor, requesting the return of Assembly bill No. 206, entitled "An act to authorize the Buffalo and Springville Railroad Company to change the terminus of their road," to this House for amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Husted, from the committee on local and special laws, to which was referred the bill entitled "An act to amend the act entitled 'An act to extend the operation and effect of the act passed February 17, 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' passed April 15, 1871," reported that the objects desired can be attained by a general law now in force.

On motion of Mr. Husted, said report was laid on the table.

Mr. Husted, from the committee on local and special laws, to which was referred the bill entitled "An act to amend chapter 463 of the Laws of 1853, entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies,'" reported that there is no general law applicable to the same.

*Ordered*, That said bill be replaced on general orders.

Mr. Husted, from the committee on local and special laws, to which was referred the bill entitled "An act to incorporate the West Sandlake Stock Association of Ferguson's Cornet Band, State of New York," reported that the objects can be attained by existing laws.

On motion of Mr. Husted, said report was laid on the table.

Mr. Husted, from the committee on local and special laws, to which was referred the Senate bill entitled "An act to incorporate the Young Men's Christian Association in the town of New Utrecht," reported that there is a general law applicable to the same.

On motion of Mr. Husted, said report was laid on the table.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to confirm and legalize the action of the board of supervisors of Cayuga county, in relation to the number of superintendents of the poor of said county."

"An act to incorporate the Holy Sepulchre Cemetery, in the city of Rochester."

"An act to appoint commissioners to make a survey of Richmond county, and certain maps therefrom, and to mature and report a plan for laying out Staten Island, and for securing a water supply for the inhabitants thereof."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. W. J. Van Dusen, from said committee, reported in favor of the passage of said first mentioned bill; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. W. J. Van Dusen, from said committee, also reported progress on said second mentioned bill, and asked leave to sit again.

The question being upon granting leave,

On motion of Mr. Alvord, the committee of the whole was discharged from the further consideration of said bill, and the same was ordered engrossed for a third reading.

Mr. W. J. Van Dusen, from said committee, also reported progress on said third mentioned bill, and asked leave to sit again.

The question being upon granting leave,

On motion of Mr. Judd, the committee of the whole was discharged from the further consideration of said bill, and the same ordered engrossed for a third reading.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to authorize the Brooklyn City Railroad Company to extend their road along Putnam and Nostrand avenues and Halsey street to Broadway, in the city of Brooklyn."

"An act to incorporate the Rochester Savings Bank Trust Company."

"An act authorizing the construction of a bridge across the Hudson river at the city of Albany, and incorporating the Albany and Greenbush Bridge Company."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Woodward, from said committee, reported in favor of the passage of said first mentioned bill; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Woodward, from said committee, also reported progress on said second mentioned bill, and asked leave to sit again.

The question being upon granting leave,

On motion of Mr. Alvord, the committee of the whole was discharged

from the further consideration of said bill, and the same was ordered engrossed for a third reading.

Mr. Woodward, from said committee, also reported progress on said third mentioned bill, and asked leave to sit again.

The question being upon granting leave,

On motion of Mr. Alvord, the committee of the whole was discharged from the further consideration of said bill, and the same was ordered engrossed for a third reading.

By unanimous consent,

Mr. Fowler, from the committee on internal affairs, to which was referred the bill entitled "An act to amend an act entitled 'An act to prevent the unlawful taking of oysters planted within the waters of the State of New York,' passed April 21, 1866," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act in relation to the Wallabout improvement in the city of Brooklyn."

"An act to amend an act entitled 'An act for the further extension of Prospect Park, in the city of Brooklyn,' passed April 24, 1868."

"An act to amend an act entitled 'An act to extend and improve Fourth street, in the city of Brooklyn,' passed May 10, 1871, and to confirm certain proceedings had thereunder."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Hyatt, from said committee, reported in favor of the passage of said first mentioned bill, with an amendment; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Hyatt, from said committee, also reported progress on said second mentioned bill, and asked leave to sit again.

The question being upon granting leave,

On motion of Mr. Jacobs, the committee of the whole was discharged from the further consideration of said bill, and the same was ordered engrossed for a third reading.

Mr. Hyatt, from said committee, also reported progress on said third mentioned bill, and asked and obtained leave to sit again.

By unanimous consent, and on motion of Mr. D. B. Hill,

*Resolved*, That the Assembly bill, general order 586, entitled "An act to provide for fair grounds in the county of Chemung," be referred to the sub-committee of the whole.

By unanimous consent, and on motion of Mr. D. B. Hill,

*Resolved*, That Assembly bill, general order 472, entitled "An act to release the interest of the State in certain lands of which Thos. Breen died seized, to Margaret Breen, his widow," be referred to the sub-committee of the whole.

By unanimous consent, Mr. D. B. Hill introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the Elmira Park Association,' passed April 13, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Leave of absence was granted to Mr. Pell, indefinitely.

On motion of Mr. Kingsland, at 10 o'clock and 10 minutes, the House adjourned.



## FRIDAY, MARCH 22, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Reeves.

The journal of yesterday was read and approved.

The Senate returned the concurrent resolution recalling from the Governor Assembly bill No. 109, entitled "An act to extend the operation and effect of the act passed February 17, 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' and entitled, as the title of said act was amended by an act passed April 28, 1866, 'An act to authorize the formation of corporations for manufacturing, mining, mechanical, chemical, agricultural, horticultural, medical or curative, mercantile or commercial purposes,'" with a message that they had concurred in the passage of the same.

*Ordered*, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor Assembly bill No. 206, entitled "An act to authorize the Buffalo and Springville Railroad Company to change the terminus of their road," with a message that they had concurred in the passage of the same.

*Ordered*, That the Clerk deliver said resolution to the Governor.

The Senate returned the bill entitled as follows :

"An act to amend an act entitled 'An act to amend an act passed July 21, 1853, entitled An act to amend an act to provide for the incorporation of companies to construct plank-roads,' passed May 7, 1847, and the acts amendatory thereof, passed April 14, 1855."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Lott, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act to amend an act entitled 'An act to amend an act entitled 'An act to reduce the number of town officers and town and county expenses, and to prevent abuses in auditing town and county accounts,' passed May 10, 1845, passed December 14, 1847."

"An act to authorize the extension and construction of railroad tracks in Tenth street and other streets and avenues in the city of New York."

"An act to confirm and legalize the action of the board of supervisors of Cayuga county in relation to the number of superintendents of the poor of said county."

Mr. Herrick, from the committee on internal affairs, to which was referred the bill entitled "An act to incorporate the Ramapo Hunting Villa Park Association, in the county of Rockland," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Mr. Herrick, from the committee on internal affairs, to which was referred the bill entitled "An act to amend an act entitled 'An act to abolish the office of county superintendent of the poor in the county of Albany,' passed April 4, 1849," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

A message from the Governor was received and read, in the words following, to wit:

EXECUTIVE CHAMBER,  
ALBANY, *March 21, 1872.* }

*To the Assembly:*

In compliance with the joint resolution of the Senate and Assembly, I return, herewith, for amendment, Assembly bill, No. 109, entitled "An act to extend the operation and effect of the act passed February 17, 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' and entitled, as the title of said act was amended by an act passed April 28, 1866, 'An act to authorize the formation of corporations for manufacturing, mining, mechanical, chemical, agricultural, horticultural, medical or curative, mercantile or commercial purposes.'"

JOHN T. HOFFMAN.

Mr. Husted moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 71 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Couchman   | A. Hill    | Mackay     | Speaker         |
| Aitken        | Davidson   | Holdridge  | Moore      | Springsted      |
| Alberger      | Dykeman    | Houghton   | Morton     | Squires         |
| Alvord        | Eastman    | Hungerford | Moseley    | Tobey           |
| I. H. Babcock | Enos       | Husted     | Murdock    | Twombly         |
| Badeau        | Foley      | Jacobs     | Paige      | A. L. Van Dusen |
| Baltz         | Ford       | Judd       | Pierce     | W. J. Van Dusen |
| Beckwith      | Fort       | Kilian     | Preston    | Wells           |
| Bennett       | Geib       | Kingsland  | Prince     | Whitbeck        |
| Blair         | Goss       | Knapp      | Ray        | White           |
| Buckley       | Greenhalgh | Knettles   | Roche      | Whitaker        |
| Burritt       | Gregory    | Lincoln    | Sage       | Wiley           |
| Chamberlain   | Hawkins    | Lott       | Shepardson | Woodward        |
| Chambers      | Herrick    | Loughran   | Simson     | Yeomans         |
| Cook          |            |            |            |                 |

On motion of Mr. Alvord, said bill was recommitted to the committee on local and special laws for amendment.

By unanimous consent, Mr. Lincoln moved to reconsider the vote by which the amendments made by the Senate to the bill entitled "An act in relation to the village of Canandaigua, and to provide a police justice and police constables in said village, and defining their jurisdiction, power and duties," were concurred in.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

|        |             |            |         |         |
|--------|-------------|------------|---------|---------|
| Abbott | Chamberlain | D. B. Hill | Moore   | Snyder  |
| Aitken | Chambers    | Holdridge  | Moseley | Speaker |

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Alberger      | Cook       | A. Hill    | Mackay     | Springsted      |
| D. L. Babcock | Couchman   | Hollister  | Mosher     | Squires         |
| I. H. Babcock | Davidson   | Houghton   | Moulton    | Tobey           |
| Badeau        | Dykeman    | Hungerford | Murdock    | M. M. Tompkins  |
| Beckwith      | Eastman    | Husted     | Pierce     | Twombly         |
| Bennett       | Enos       | Judd       | Prince     | A. L. Van Dusen |
| Berri         | Foley      | Kilian     | Ray        | W. J. Van Dusen |
| Blair         | Geib       | Kingsland  | Roche      | Wells           |
| I. D. Brown   | Goss       | Knapp      | Sage       | White           |
| Buckley       | Green      | Knettles   | Shepardson | Whitaker        |
| Buell         | Greenhalgh | Lincoln    | Simson     | Wiley           |
| Burns         | Gregory    | G. P. Lord | Smith      | Woodward        |
| Burritt       | Haight     | Lott       | Smyth      | Yeomans         |
| Carroll       | Hawkins    | Loughran   | Sniper     |                 |

Mr. Lincoln then moved to non-concur in said amendments, and that a committee of conference be appointed on the part of the Assembly, and request a like committee on the part of the Senate.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker announced the following as such committee: Messrs. Lincoln, Goss, Dykeman, M. M. Tompkins, Roche.

A message from the Senate was received and read, in the words following:

IN SENATE, *March 21, 1872.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill entitled "An act to amend an act entitled 'An act in relation to stenographers in the circuit court, courts of oyer and terminer, and special terms of the supreme court, in the sixth, seventh and eighth judicial districts, and to repeal chapter 41 of the Laws of 1867, and chapter 672 of the Laws of 1869.'"

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Baker, and by unanimous consent, the same was amended as follows:

Add after end of first section the words "And in the third judicial district the justices of the supreme court may, in their discretion, appoint two stenographers."

And as amended, said bill was passed, and ordered sent to the Assembly for concurrence.

Mr. D. B. Hill moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |          |            |         |            |
|---------------|----------|------------|---------|------------|
| Abbott        | Cook     | Houghton   | Moore   | Smyth      |
| Alberger      | Couchman | Hungerford | Mosher  | Sniper     |
| Alvord        | Crandall | Husted     | Moulton | Snyder     |
| D. L. Babcock | Davidson | Hyatt      | Oakley  | Speaker    |
| I. H. Babcock | Dykeman  | Jacobs     | Osgood  | Springsted |
| Badeau        | Eastman  | Judd       | Paige   | Squires    |
| Beckwith      | Enos     | Kilian     | Pierce  | Tobey      |
| Bennett       | Foley    | Kingsland  | Preston | Tucker     |



|             |            |            |            |                 |
|-------------|------------|------------|------------|-----------------|
| Berri       | Ford       | Knapp      | Prince     | A. L. Van Dusen |
| I. D. Brown | Gregory    | Knottles   | Roche      | W. J. Van Dusen |
| Buckley     | Haight     | Lewis      | Rose       | Wells           |
| Buell       | Hawkins    | Lincoln    | Sage       | Whitaker        |
| Burritt     | A. Hill    | G. P. Lord | Shepardson | Wiley           |
| Carroll     | D. B. Hill | Lott       | Simson     | Woodward        |
| Chamberlain | Holdridge  | Loughran   | Smiley     | Woolsey         |
| Chambers    | Hollister  | Mackay     | Smith      | Yeomans         |

For the negative.

Ray

Mr. Speaker then put the question whether the House would agree to the final passage of said bill, as amended, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Chamberlain | Haughton   | Loughran   | Smith           |
| Aitken        | Chambers    | Hawkins    | Mackay     | Snyder          |
| Alberger      | Cook        | Healy      | Moore      | Speaker         |
| Alvord        | Couchman    | A. Hill    | Morton     | Springsted      |
| D. L. Babcock | Crandall    | Holdridge  | Mosher     | Squires         |
| I. H. Babcock | Davidson    | Hollister  | Moulton    | Tobey           |
| Badeau        | Dunphy      | Houghton   | Murdock    | M. M. Tompkins  |
| Baltz         | Dykeman     | Hungerford | Pierce     | A. L. Van Dusen |
| Beckwith      | Enos        | Husted     | Preston    | W. J. Van Dusen |
| Bennett       | Foley       | Hyatt      | Prince     | Wells           |
| Berri         | Ford        | Kilian     | Ray        | White           |
| Blair         | Fowler      | Kingsland  | Rice       | Whitaker        |
| E. E. Brown   | Geib        | Knapp      | Roche      | Wiley           |
| I. D. Brown   | Goring      | Knottles   | Shepardson | Woodward        |
| Buckley       | Green       | Lincoln    | Simson     | Woolsey         |
| Buell         | Greenhalgh  | Lott       | Smiley     | Yeomans         |
| Burritt       | Gregory     |            |            |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, as amended.

Mr. I. D. Brown presented the remonstrance of thirty merchants of Cayuga county against unjust and oppressive discrimination by railroad corporations against local freights; which was read and referred to the committee on railroads.

Mr. D. L. Babcock presented five petitions of Thos. W. Olcott and others for the construction of a carriage and foot bridge between the city of Albany and the county of Rensselaer; which were read and laid on the table.

Mr. Chambers presented the petition of St. Vincent Female Orphan Asylum, of the city of Buffalo, for relief; which was read and referred to the committee on ways and means.

Mr. White presented the remonstrance of residents and owners of property on Atlantic avenue against tunneling said avenue for railroad purposes; which was read and referred to the committee on railroads.

Mr. Alvord presented the memorial of the board of commissioners of pilots, March 19, 1872; which was read and referred to the committee on commerce and navigation.

Mr. Murdock presented a remonstrance against railroad transportation

companies charging more for way than through freight in this State; which was read and referred to the committee on railroads.

Mr. Speaker presented a petition for State aid to the Albany Hospital; which was read and referred to the committee on ways and means.

Mr. Twombly presented the remonstrance of residents and property owners of the city of New York against the passage of an act to repeal an act to provide for a further supply of pure and wholesome water for the city of New York; which was read and referred to the committee on the affairs of cities.

Mr. Whitbeck presented a petition of the officers and directors of the Hahnemann Hospital of the city and State of New York, for relief; which was read and referred to the committee on ways and means.

Also, a petition of 500 owners of real estate in the city of New York, in favor of exempting bonds and mortgages from taxation; which was read and referred to the committee on ways and means.

Mr. Enos presented a petition for the exemption of mortgages on real estate from taxation; which was read and referred to the committee on ways and means.

Mr. Goring presented a petition of merchants of Fishkill, Dutchess county, in favor of pro rata rates on local freights on railroads; which was read and referred to the committee on railroads.

Mr. Alberger presented a petition of Michael Maloney and other citizens of New York, asking for a pure and cheap gas; which was read and referred to the committee on trade and manufactures.

Mr. Mosher presented four petitions for an act to establish a police force along the sixteen locks on the Erie canal in Cohoes, Albany county; which were read and referred to the committee on canals.

Mr. Roche presented a petition of sixty exempt firemen of the city of Brooklyn, western district, against the passage of an act to incorporate the Exempt Firemen's Association of the western district of the city of Brooklyn; which was read and referred to the committee on the affairs of cities.

Mr. Bennett presented a resolution of the board of supervisors of Kings county, relative to the bad ferries of the eastern district of Brooklyn, etc.; which was read and laid on the table.

Mr. Alvord presented a petition in regard to the park on West Genesee street, in Syracuse; which was read and referred to the committee on the affairs of cities.

Mr. Chamberlain presented the petition of citizens of Richfield Springs in regard to transportation of freight on the railroads of this State; which was read and referred to the committee on railroads.

Mr. Judd presented the petition of citizens of Edgewater praying for amendments to the village charter; which was read and referred to the committee on the affairs of villages.

Also, the petition of Staten Islanders for a metropolitan police; which was read and referred to the committee on internal affairs.

Mr. Gregory presented two petitions of residents of Schuyler county to abolish the office of school commissioner in said county; which was read and referred to the committee on public education.

Mr. Smith presented the petition of eighty-seven shippers and canal men of Whitehall, Washington county, for a basin or reservoir in Champlain canal in said village; which was read and referred to the committee on canals.

Messrs. Holdridge and Murdock presented thirty-six remonstrances

against the repeal of the classification act and any legislative interference with the management of the Erie Railway Company; which were read and laid on the table.

Mr. Murdock presented six remonstrances against applying excise money to Hornell library; which were read and committed to the committee of the whole.

Also, the petition of citizens of Hornellsville in favor of excise money for use of library at said place; which was read and committed to the committee of the whole.

Messrs. Yeomans, Husted, Alvord and D. B. Hill presented four petitions of citizens of different parts of the State for local prohibition; which were read and committed to the committee of the whole.

A message from the Senate was received and read, in the words following, to wit:

IN SENATE, *March 22, 1872.*

*Resolved*, That Hon. Henry C. Murphy, acting President pro tem by appointment of the President of the Senate under rule four, be authorized to make proper signatures to the bills, as such acting President and that a copy of this resolution be sent to the Assembly and to His Excellency the Governor.

Mr. Prince presented the report of the Poppenhusen Institute, in the village of College Point; which was laid on the table and ordered printed.

(*See Doc. No. 110.*)

Mr. Speaker presented the annual report of the State Homœopathic Asylum for the Insane at Middletown; which was laid on the table and ordered printed.

(*See Doc. No. 109.*)

Mr. Speaker announced the order of business "referring bills to the sub-committee of the whole."

By unanimous consent, Mr. Jacobs offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the Speaker and Clerk of this House be and they hereby are directed to cause an examination to be made of all bills now on general orders and such bills as may hereafter be reported from any standing committee, and submit, from time to time, a list to this House of such bills as are properly referable to the sub-committee of the whole, and the approval by the House of such list shall refer said bills to said sub-committee, with the full effect that separate resolutions now refer such bills.

Debate was had thereon, when

Mr. Jacobs moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said resolution, and it was determined in the affirmative.

A message was received from the Governor, in the words following, to wit:

EXECUTIVE CHAMBER, }  
ALBANY, *March 22, 1872.* }

*To the Assembly:*

In compliance with your resolution of to-day, I return, for the purpose of amendment, Assembly bill No. 206, entitled "An act to authorize the Buffalo and Springville railroad to change the terminus of their road."

JOHN T. HOFFMAN.



Mr. Moseley moved that the vote by which said bill was passed be reconsidered.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Cook       | Hawkins    | Lott       | Smiley          |
| Alberger      | Couchman   | J. Hayes   | Mackay     | Smith           |
| Alvord        | Crandall   | Healy      | Moore      | Smyth           |
| D. L. Babcock | Davidson   | A. Hill    | Moseley    | Sniper          |
| I. H. Babcock | Dykeman    | D. B. Hill | Mosher     | Speaker         |
| Badeau        | Enos       | Holdridge  | Moulton    | Springsted      |
| Baltz         | Fields     | Hollister  | Murdock    | Swain           |
| Beckwith      | Ford       | Houghton   | Oakley     | Tobey           |
| Bennett       | Fort       | Hungerford | Osgood     | M. M. Tompkins  |
| Blair         | Fowler     | Husted     | Preston    | A. L. Van Dusen |
| E. E. Brown   | Geib       | Hyatt      | Prince     | W. J. Van Dusen |
| Buckley       | Goss       | Jacobs     | Ray        | Wells           |
| Buell         | Green      | Judd       | Roche      | Whitbeck        |
| Burritt       | Greenhalgh | Kilian     | Rose       | Whitaker        |
| Carroll       | Gregory    | Kingsland  | Sage       | Woodward        |
| Chamberlain   | Haight     | Lincoln    | Shepardson | Woolsey         |
| Chambers      | Haughton   | G. P. Lord | Simson     | Yeomans         |

On motion of Mr. Buckley, and by unanimous consent, said bill was amended as follows :

Add to section 2 the following : "And all the provisions of chapter 150 of the Laws of 1850, and all acts supplemental to and amendatory thereof are hereby made applicable to such extension and its construction."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Abbott        | Chambers   | Haughton   | Moore   | Smyth           |
| Alberger      | Cook       | Hawkins    | Morton  | Speaker         |
| Alvord        | Couchman   | Healy      | Moseley | Springsted      |
| D. L. Babcock | Crandall   | A. Hill    | Mosher  | Swain           |
| I. H. Babcock | Davidson   | D. B. Hill | Moulton | Tobey           |
| Badeau        | Dykeman    | Holdridge  | Murdock | M. M. Tompkins  |
| Baltz         | Enos       | Hollister  | Oakley  | Twombly         |
| Beckwith      | Fields     | Hungerford | Osgood  | A. L. Van Dusen |
| Bennett       | Ford       | Hyatt      | Preston | W. J. Van Dusen |
| Blair         | Fort       | Jacobs     | Prince  | Wells           |
| E. E. Brown   | Geib       | Judd       | Ray     | Whitbeck        |
| Buckley       | Goss       | Kilian     | Rose    | Whitaker        |
| Buell         | Green      | Kingsland  | Sage    | Woodward        |
| Burritt       | Greenhalgh | Knettles   | Simson  | Woolsey         |
| Carroll       | Gregory    | Lincoln    | Smiley  | Yeomans         |
| Chamberlain   | Haight     | Mackay     | Smith   |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the city of Rome,' passed February 23, 1870," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was recommended the bill entitled "An act to amend chapter 39 of the Laws of 1867, entitled 'An act to amend an act entitled An act to incorporate the city of Elmira,' passed April 1864, and the acts amendatory thereof, passed February 16, 1867," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. D. B. Hill moved to recommit said bill to the committee on the affairs of cities.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to supply the city of Rochester with pure and wholesome water," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Elmira Park Association,' passed April 13, 1871," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the common council of the city of Binghamton to fund a debt incurred by the issue of bonds in the purchasing of stock in the Syracuse and Binghamton railroad," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the city of Binghamton,' passed April 9, 1867, and the several acts amending the same," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the common council of the city of Binghamton to borrow money for the purpose of purchasing a site for a high school, and erecting and furnishing a building thereon,' reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to

organize a fire department and board of fire commissioners in the city of Troy,' passed April 13, 1861," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the Senate bill entitled "An act to amend an act entitled 'An act to establish a department of police in the city of Buffalo, and to provide for the government thereof,' passed April 26, 1871," reported in favor of the passage of the same with amendment; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the Senate bill entitled "An act to make provision for the local government of the city and county of New York for the year 1872," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the Senate bill entitled "An act to alter the map or plan of the city of New York," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the Senate bill entitled "An act to provide for a police court-house in the ninth judicial district of the city of New York," passed April 27, 1870; also to repeal an act entitled "An act to provide for a completion of the court-house for the ninth judicial district of the city of New York, passed February 17, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Morton, from the committee on the affairs of cities, to which was referred the bill entitled "An act to provide for the adjusting of certain accounts of the city of Brooklyn," reported in favor of the passage of the same with amendments, and amended the title so as to read as follows: "An act to provide for the adjusting of certain accounts of the city of Brooklyn made necessary by the misfeasance of the financial and other officers of said city;" which report was agreed to and said bill committed to the committee of the whole.

Mr. Morton, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act in relation to sewerage and drainage in the city of Brooklyn,' passed April 15, 1857," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Morton, from the committee on the affairs of cities, to which was referred the bill entitled "An act for the improvement of Flushing avenue, in the city of Brooklyn," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Morton, from the committee on the affairs of cities, to which was referred the bill entitled "An act for the improvement of Myrtle avenue in the city of Brooklyn," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Morton, from the committee on the affairs of cities, to which was referred the bill entitled "An act for the improvement of First street and Kent avenue in the city of Brooklyn," reported in favor of the passage



of the same ; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Morton, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to provide for the opening and improvement of Park avenue between Bridge street and Hudson avenue, and Clinton avenue and Broadway, in the city of Brooklyn,' passed April 17, 1868," reported in favor of the passage of the same ; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Morton, from the committee on the affairs of cities, to which was referred the bill entitled "An act in relation to the pay of firemen, stokers and drivers appointed by the fire commissioners of the city of Brooklyn," reported in favor of the passage of the same with amendments ; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Morton, from the committee on the affairs of cities, to which was referred the Senate bill entitled "An act to restrict the power of the city of Brooklyn to issue bonds or loan its credit for local improvements," reported in favor of the passage of the same ; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to legalize the vote of legal voters of the town of Greece in the county of Monroe, held March 5, 1872, to raise money in aid of the Lake Ontario Shore Railroad Company, and to authorize the board of supervisors to levy a tax to raise the same," reported in favor of the passage of the same ; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to enable non-resident guardians to obtain property in this State belonging to their wards residing in other States or territories of the United States,' passed March 10, 1870, and to extend the provisions of said act so as to apply to non-resident trustees and beneficiaries under the trust," reported in favor of the passage of the same, with amendments ; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the supreme court library," reported in favor of the passage of the same with amendments, and the title amended so as to read as follows: "An act in relation to the supreme court library at Binghamton," which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for the holding of courts of oyer and terminer for the trial of certain cases by justices of the supreme court to be assigned for that purpose," reported in favor of the passage of the same ; which report was agreed to, and said bill committed to the committee of the whole.

Mr. D. B. Hill dissented from said report.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to mechanics' liens," reported in favor of the passage of the same ; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to change the name of Mary Cordelia Doolittle

and Mary Byington, Josephine Adile and Annie Laurie, her children, to Mary C. St. Clair, Mary Byington St. Clair, Josephine Adile St. Clair and Annie Laurie St. Clair," reported adversely thereto.

The question being on agreeing to said report,

Mr. Husted moved to recommit said bill to the committee on the judiciary.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Prince, from the committee on the judiciary, to which was referred the Senate bill entitled "An act to extend the powers of notaries public in the city and county of New York and in the county of Kings," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the Senate bill entitled "An act to regulate the compensation of the special county judge and special surrogate of Chautauqua county," reported in favor of the passage of the same, which report was agreed to and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the Senate bill entitled "An act releasing the interest of the people of the State of New York in certain real estate to the Five Point House of Industry," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Geib, from the committee on commerce and navigation, to which was referred the bill entitled "An act to amend an act entitled 'An act to provide for the erection of wharves and piers in the Harlem river, below the Second avenue,' passed April 4, 1868," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Bennett, from the committee on commerce and navigation, to which was referred the bill entitled "An act to authorize the Pelham and Portchester Railroad Company to cross such arms of the sea, bays, inlets or navigable streams as may be found necessary to build said road, and to build draw-bridges over the same," reported in favor of the passage of the same, with an amendment; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Simson asked and obtained leave to make a minority report from the committee on canals on Senate bill No. 47, entitled "An act to repeal chapter 321 of the laws of 1870," which was laid on the table and ordered printed.

(See *Doc. No. 107.*)

Mr. Green, from the committee on commerce and navigation, to which was referred the bill entitled "An act to re-enact and amend chapter 125 of the Laws of 1851, entitled 'An act to incorporate the Minisceongo Ferry Company, in the county of Rockland,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Campbell, from the committee on commerce and navigation to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Erie Basin Dock Company, in the city of Brooklyn,' passed April 11, 1864," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.



Mr. Green, from the committee on commerce and navigation, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Lewiston Suspension Bridge Company,' passed March 26, 1849," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Judd, from the committee on commerce and navigation, to which was referred the bill entitled "An act to incorporate the Staten Island and New Jersey Ferry Company," reported in favor of the passage of the same with amendments; which report was agreed to and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the Senate bill entitled "An act to authorize the Ridgefield and New York Railroad Company to extend their road through the towns of Lewisboro, Poundridge and Rye, in the county of Westchester," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the Senate bill entitled "An act to amend an act entitled 'An act to authorize the construction and use of a railroad from the southerly side of Newtown creek, in the city of Brooklyn, to the village of Astoria, and through certain streets of said village,' passed May 5, 1863," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the Senate bill entitled "An act to authorize the comptroller of the city of New York to carry into effect certain powers and duties heretofore conferred upon the commissioners of the sinking fund of the said city," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to incorporate the New York Warehouse and Railway Company, and to provide improved wharves and warehouses in the city of New York; and also adequate means for the transportation of freight and passengers within the city of New York, and county of Westchester," reported the same for the consideration of the House, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to authorize and require the New York and Harlem Railroad Company to extend their tracks through certain streets of the city of New York for the use of their small cars only," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to amend the act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,' passed April 2, 1850," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was recommitted the bill entitled "An act relating to the Erie Railway Company, repealing chapter 916 of the Laws of 1869, so far as relates to the classification of the directors of the Erie Railway Company, and providing regulations relating to the elections of directors of said company and the



transfer of its stock," reported the same with enacting clause stricken out, which report was agreed to.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to authorize the city of Rochester to subscribe for stock of the Lake Ontario Shore Railroad Company, from the proceeds of the sale of the Rochester and Genesee Valley railroad stock owned by the city," reported the same for the consideration of the House; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the New York City Central underground Railway Company, and to authorize the said company to construct and operate a certain underground railway in the city of New York,' passed April 17, 1868, being chapter 230 of the Laws of 1868, and the act amending the same, passed May 11, 1869, being chapter 824 of the Laws of 1869," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Twombly moved that said bill be made a special order for next Thursday morning, immediately after reading the journal.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act supplemental to and amendatory of chapter 842 of the Laws of 1868, an act entitled 'An act to provide for the transmission of letters, packages and merchandise, in the cities of New York and Brooklyn, and across the North and East rivers, by means of pneumatic tubes, to be constructed beneath the surface of the streets, squares, avenues and public places in said cities and under the waters of said rivers,' passed June 1, 1868, and of chapter 512, of the Laws of 1869, entitled 'An act supplementary to chapter 842 of the Laws of 1868, in relation to carrying letters, packages and merchandise by means of pneumatic tubes in New York and Brooklyn, and to provide for the transportation of passengers in said tubes,'" reported adversely thereto.

On motion of Mr. Moseley, said report was laid on the table.

Mr. White, from the committee on railroads, to which was referred the petition of citizens of the town of Locke, Cayuga county, praying for the passage of a law to enable them to elect railroad commissioners as other town officers are elected; reported adversely thereto, which report was agreed to.

Mr. Hawkins moved that the Senate bill entitled "An act to amend an act entitled 'An act to establish a department of police in the city of Buffalo, and to provide for the government thereof,' passed April 26, 1871," be made a special order for Tuesday morning, immediately after reading the journal.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Lima, Livingston county,' passed April 25,

1867," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled 'An act to incorporate the trustees of the Presbytery of Westchester,' reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the Soldiers' Monument Society of Niagara county," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend an act entitled 'An act to change the name of the First Universalist Society and Church of the city of Hudson, and to authorize said society to take and hold by gift, grant, devise, purchase or otherwise, real and personal estate,' passed March 28, 1870," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the Humboldt Verein of Rondout," reported adversely thereto; which report was agreed to.

Mr. Smiley, from the committee on public printing, to which was referred the resolution to print extra copies of the report of the Institution of Deaf-mutes," reported in favor of the adoption of the following resolution:

*Resolved*, That 2,500 copies of the annual report of the Institution of Deaf-mutes be ordered printed for the use of the trustees of said institution.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Kingsland, from the committee on banks, to which was referred the bill entitled "An act to amend, extend and continue an act entitled 'An act to incorporate the Bankers' Life Insurance and Trust Company of New York,' passed May 6, 1870," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. West, from the committee on trade and manufactures, to which was referred the bill entitled "An act to authorize the Blossburgh Coal Company, the successors and assigns of the Bloss Coal Mining Company (a corporation organized and existing under the Laws of the Commonwealth of Pennsylvania), to hold real estate for the purposes of its business," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. West, from the committee on trade and manufactures, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the consolidation of certain gas-light companies of the city of Brooklyn,' passed May 2, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. E. E. Brown, from the committee on State prisons, to which was referred the bill entitled "An act to amend 'An act to authorize the



imprisonments of convicts in the penitentiaries of Syracuse and Albany,' passed May 4, 1869," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. E. E. Brown presented the twenty-seventh annual report of the Prison Association; which was laid on the table and ordered printed.

(See Doc. No. 108.)

Mr. Beckwith, from the committee on State charitable institutions, to which was referred the bill entitled "An act in relation to private asylums for the insane," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Knapp, from the committee on petitions of aliens, to which was referred the bill entitled "An act to authorize Isabella Isler, Adelle Isler and Joseph Isler to hold, devise and convey certain real estate in the city of New York," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Knapp, from the committee on petitions of aliens, to which was referred the bill entitled "An act to release the interest of the people in the State of New York in certain lands to Sarah Mann, and to authorize her to hold and convey the same," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Knapp, from the committee on petitions of aliens, to which was referred the petition of Mary M. Inhorst, praying for release of certain property, reported by bill entitled "An act to release the interest of the people of the State of New York in certain lands to Mary M. Inhorst," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Woolsey, from the committee on claims, to which was referred the petition of Joshua W. Ketchum, praying for relief, reported in writing and by bill entitled "An act conferring jurisdiction on the Canal Appraisers to hear and determine the claim of Joshua W. Ketchum," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Doc. No. 106.)

Mr. Rose presented a report of the sub-committee of the whole; which was laid on the table and ordered printed.

(See Doc. No. 104.)

Mr. Hawkins, from the committee on affairs of cities, to which was referred the bill entitled "An act to amend and reduce to one act the several acts relating to buildings in the city of New York," passed May 4, 1866, May 17, 1867, May 5, 1868, and April 20, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on affairs of cities, to which was referred the bill entitled "An act to establish a capital police district, and to provide for the government thereof," reported adversely thereto, which report was agreed to.

Mr. Houghton, from the committee on ways and means, to which was referred the petition of citizens of Saratoga county, praying for the appropriation of money to improve a certain road named therein, reported for the consideration of the House, a bill entitled "An act making an appro-



priation for the improvement of the wagon road leading westerly from the Adirondack railroad depot, in the town of Hadley, Saratoga county, to Beecher's Hollow, in the town of Edinburgh, in said county, a distance of eighteen miles," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. D. L. Babcock, from the committee on commerce and navigation, to which was referred the bill entitled "An act to amend chapter 190 of the Laws of 1860, entitled 'An act extending to Oliver A. Field the right to establish and maintain a ferry across the Hudson river,' passed April 6, 1860," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Mr. Wiley, from the committee on internal affairs, to which was referred the bill entitled "An act in relation to the powers and duties of the board of supervisors of the county of Monroe," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Wiley, from the committee on internal affairs, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the supervisor of Monroe county to raise money to pay for the site of the State armory in the city of Rochester, and to pay for the use of rooms therein,' passed April 19, 1867," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act for the completion of Westchester avenue in the towns of White Plains, Harrison and Rye in the county of Westchester," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to provide for the repayment of certain moneys paid to the commissioners of Mamaroneck avenue in Westchester county," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act authorizing the construction of a highway from the north of the township of Hollywood, in the county of St. Lawrence, into township No. 25, in Franklin county," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to provide for laying out and opening a public road or highway in the town of Geddes, Onondaga county," reported in favor of the passage of the same, which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to place that portion of the Skaneateles and Elbridge plank-road, lying between the village of Elbridge and Skaneateles Junction, under the jurisdiction of the commissioners of highways of the town of Elbridge," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was

referred the bill entitled "An act to revise and amend an act to construct a road from Carthage in Jefferson county, to Lake Champlain, Essex county, passed April 14, 1841," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to repeal an act entitled 'An act authorizing the commissioners of highways of the town of Germantown, in the county of Columbia, to lay out roads of a certain width,' passed April 2, 1827," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the construction and maintaining of a free bridge over the Chenango river, in the city of Binghamton, and to borrow money therefor,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to provide for the rebuilding of the bridge over the Oneida river, between the towns of Clay, in the county of Onondaga, and Hastings, in the county of Oswego, at Caughdenoy," reported the same for the consideration of the House, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to legalize the action of the town meeting of the town of West Turin, Lewis county, held on the 20th day of February, 1872," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Knapp, from the committee on internal affairs, to which was referred the bill entitled "An act to enable the electors of the town of Esopus to vote by districts for town officers," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Knapp, from the committee on internal affairs, to which was referred the bill entitled "An act to authorize the construction of a lock-up in the village of Lima, Livingston county, and the assessment of the expense thereof, as a tax upon the village of Lima and the town of Lima, said county," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Couchman, from the committee on internal affairs, to which was referred the bill entitled "An act to regulate the auditing of accounts by the board of supervisors in the several counties of this State, and to authorize suits against said board," reported adversely thereto, which report was agreed to.

The Senate sent for concurrence the bill entitled "An act to amend an act entitled 'An act in relation to the establishment of a normal and training school in the village of Plattsburgh, to be called the Plattsburgh Normal and Training School,' passed May 7, 1869," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Kingsland, and by unanimous consent, said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 2 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Campbell   | Haughton   | G. P. Lord | Smiley          |
| Aitken        | Chambers   | Hawkins    | Loughran   | Smith           |
| Alberger      | Couchman   | Healy      | Mackay     | Snyder          |
| Alvord        | Crandall   | Herrick    | Moore      | Speaker         |
| D. L. Babcock | Davidson   | A. Hill    | Morton     | Springsted      |
| I. H. Babcock | Dunphy     | D. B. Hill | Moulton    | Tobey           |
| Badeau        | Dykeman    | Holdridge  | Murdock    | M. M. Tompkins  |
| Baltz         | Eastman    | Hollister  | Oakley     | Twombly         |
| Beckwith      | Enos       | Houghton   | Paige      | A. L. Van Dusen |
| Bennett       | Foley      | Husted     | Preston    | W. J. Van Dusen |
| Berri         | Ford       | Hyatt      | Prince     | Wells           |
| Blair         | Fort       | Jacobs     | Ray        | Whitbeck        |
| I. D. Brown   | Fowler     | Kilian     | Roche      | White           |
| Buckley       | Geib       | Kingsland  | Rose       | Wiley           |
| Buell         | Goss       | Knapp      | Shepardson | Woodward        |
| Burns         | Green      | Knettles   | Simson     | Yeomans         |
| Burritt       | Greenhalgh | Lincoln    |            |                 |

Those who voted in the negative, were

Bemus                      Smyth

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

By unanimous consent, Mr. Judd introduced a bill entitled "An act for the prevention of cruelty to animals," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Judd introduced a bill entitled "An act to change the name of Richmond county to Staten Island county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on civil divisions.

By unanimous consent, Mr. Judd introduced a bill entitled "An act to exempt the county of Richmond from the provisions of chapter 888 of the Laws of 1869, entitled 'An act to amend title 16, chapter 8, part 3, of the Revised Statutes, relative to proceedings for the drainage of swamps, marshes and other low and wet lands, and for draining farm lands,' passed May 12, 1869, passed February 16, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. G. D. Lord introduced a bill entitled "An act to amend an act entitled 'An act to authorize the employment of a stenographer for the county court and court of sessions, in the county of Monroe, being chapter 46 of the Laws of 1864,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent Mr. Twombly offered for the consideration of the House a preamble and resolutions, in the words following, to wit:



*Whereas*, It is alleged in the public prints that the commissioners appointed for the examination of breech-loaders, under the law for which \$250,000 were appropriated by the Legislature, under chapter 718 of the Laws of 1871, "were entirely ignorant of any practical or scientific knowledge of the subject," and "that the trial of arms before the board was only a form, and that the decision had been made beforehand," and "that the crude construction of the gun selected, and its dangerous qualities, growing out of its liability to premature explosion, should prohibit its use;" and

*Whereas*, It is alleged by parties who made bids, under the law, that the successful bidder was allowed to alter his bid after he had made it while that privilege was denied to others; and

*Whereas*, The successful gun in this transaction has been condemned as unserviceable and unsuitable by the French and Russian governments, and has proved to be worthless in the hands of the National Guard of this State, and is condemned by many of the officers thereof; and

*Whereas*, It is further alleged that great favoritism was shown by the officers having the matter in charge to the parties offering the successful gun, and that other circumstances occurred which are calculated to impeach the good faith and integrity of the transaction; therefore, be it

*Resolved*, That the whole subject be referred to the committee on the militia for investigation, and that they have power to send for persons and papers.

*Resolved*, That the Treasurer and Comptroller be instructed to withhold the warrant and payment thereon for the same until all suspicion of unfairness or favoritism in this transaction be removed by the investigation.

*Ordered*, That said preamble and resolutions be laid on the table.

By unanimous consent, Mr. Cook introduced a bill entitled "An act to authorize the construction of a street railroad in Tenth street and other streets in New York city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Simson introduced a bill entitled "An act to amend an act authorizing the election of a police justice in the village of Tonawanda, passed April 22, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Woolsey introduced a bill entitled "An act in relation to conveyances by sheriffs on sales of land on execution," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Woolsey introduced a bill entitled "An act to incorporate the New York Loan and Improvement Building Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The order of business "third reading of bills" being announced,

Mr. Fields moved that all orders of business down to "introduction of bills" be laid on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative, two-thirds of all the members present not voting in favor thereof.

The Senate sent for concurrence the bill entitled "An act to amend an act entitled 'An act to revise the charter of Long Island City,'" which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Oakley, and by unanimous consent, said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Couchman   | Hawkins    | Mackay     | Snyder          |
| Aitken        | Crandall   | J. Hayes   | Moore      | Speaker         |
| Alberger      | Davidson   | Healy      | Morton     | Springsted      |
| Alvord        | Dunphy     | Herrick    | Moulton    | Squires         |
| D. L. Babcock | Dykeman    | A. Hill    | Murdock    | Swain           |
| I. H. Babcock | Eastman    | D. B. Hill | Oakley     | Tobey           |
| Badeau        | Enos       | Holdridge  | Osgood     | M. M. Tompkins  |
| Baltz         | Foley      | Hollister  | Preston    | Twombly         |
| Beckwith      | Ford       | Houghton   | Prince     | A. L. Van Dusen |
| Bennett       | Fort       | Hungerford | Ray        | W. J. Van Dusen |
| Berri         | Fowler     | Husted     | Roche      | Wells           |
| I. D. Brown   | Geib       | Kilian     | Rose       | Whitbeck        |
| Buckley       | Goss       | Kingsland  | Shepardson | White           |
| Buell         | Green      | Knettles   | Simson     | Whitaker        |
| Burns         | Greenhalgh | Lott       | Smith      | Woodward        |
| Burritt       | Gregory    | Loughran   | Sniper     | Woolsey         |
| Campbell      | Haight     |            |            |                 |

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to amend an act entitled 'An act to authorize the Syracuse Northern Railroad Company to construct and maintain a swing-bridge over the Oswego canal in the first ward of the city of Syracuse,' passed April 7, 1871, so as to include the second and third wards of said city," being announced for a third reading,

On motion of Mr. Burns, and by unanimous consent, said bill was amended as follows:

Line 11, section 1, after the word "Oswego," insert the words "and Erie;" same line, and also line 12, strike out the words "of the first, second or third wards."

Amend title by inserting after the word "include," the words "the Erie canal," strike out the word "and," and insert after the word "third," the words "and other."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

|          |          |         |         |         |
|----------|----------|---------|---------|---------|
| Abbott   | Crandall | Hawkins | Moore   | Sniper  |
| Alberger | Davidson | Healy   | Morton  | Speaker |
| Alvord   | Dunphy   | Herrick | Moseley | Squires |

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| D. L. Babcock | Dykeman    | A. Hill    | Moulton    | Swain           |
| I. H. Babcock | Eastman    | D. B. Hill | Murdock    | Tobey           |
| Badeau        | Enos       | Holdridge  | Osgood     | M. M. Tompkins  |
| Baltz         | Foley      | Hollister  | Preston    | Twombly         |
| Beckwith      | Ford       | Houghton   | Prince     | A. L. Van Dusen |
| Bemus         | Fort       | Jacobs     | Ray        | W. J. Van Dusen |
| Bennett       | Fowler     | Judd       | Rose       | Wells           |
| I. D. Brown   | Geib       | Kilian     | Sage       | Whitbeck        |
| Buckley       | Goss       | Kingsland  | Shepardson | White           |
| Buell         | Green      | Knettlles  | Simson     | Whitaker        |
| Burns         | Greenhalgh | Lincoln    | Smiley     | Woodward        |
| Burritt       | Gregory    | Lott       | Smith      | Woolsey         |
| Couchman      | Haughton   | Mackay     | Smyth      | Yeomans         |

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

On motion of Mr. Abbott, and by unanimous consent, the Senate bill entitled "An act to amend an act entitled 'An act to incorporate the village of Goshen,' passed April 18, 1843, and passed March 26, 1866," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Abbott        | Davidson   | Healy      | Moseley | Smyth           |
| Alberger      | Dunphy     | Herrick    | Moulton | Snyder          |
| D. L. Babcock | Dykeman    | A. Hill    | Murdock | Speaker         |
| I. H. Babcock | Eastman    | D. B. Hill | Oakley  | Squires         |
| Badeau        | Enos       | Holdridge  | Osgood  | Swain           |
| Baltz         | Ford       | Hollister  | Paige   | Tobey           |
| Beckwith      | Fort       | Houghton   | Pierce  | M. M. Tompkins  |
| Bemus         | Fowler     | Husted     | Preston | Twombly         |
| Bennett       | Geib       | Hyatt      | Prince  | A. L. Van Dusen |
| Berri         | Goring     | Jacobs     | Ray     | Wells           |
| I. D. Brown   | Goss       | Judd       | Rice    | Whitbeck        |
| Buckley       | Green      | Kilian     | Rose    | White           |
| Buell         | Greenhalgh | Lincoln    | Sage    | Whitaker        |
| Burns         | Gregory    | Loughran   | Simson  | Woodward        |
| Burritt       | Haight     | Mackay     | Smiley  | Woolsey         |
| Couchman      | Hawkins    | Moore      | Smith   | Yeomans         |
| Crandall      |            |            |         |                 |

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to provide for the audit and payment of certain claims and expenses incurred by the direction of the Governor and Attorney-General, in the city of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 22 }

Those who voted in the affirmative, were

|          |       |           |         |         |
|----------|-------|-----------|---------|---------|
| Alberger | Enos  | Hollister | Moulton | Snyder  |
| Alvord   | Foley | Houghton  | Murdock | Speaker |



|               |            |           |            |                 |
|---------------|------------|-----------|------------|-----------------|
| D. L. Babcock | Ford       | Husted    | Osgood     | Squires         |
| I. H. Babcock | Fort       | Hyatt     | Paige      | Swain           |
| Baltz         | Fowler     | Jacobs    | Pierce     | Tobey           |
| Beckwith      | Geib       | Judd      | Preston    | Twombly         |
| Bemus         | Goring     | Kilian    | Prince     | A. L. Van Dusen |
| Bennett       | Goss       | Kingsland | Rice       | W. J. Van Dusen |
| Berri         | Green      | Knapp     | Rose       | Wells           |
| E. E. Brown   | Greenhalgh | Knettles  | Shepardson | Whitbeck        |
| Burns         | Gregory    | Lincoln   | Simson     | White           |
| Burritt       | Haight     | Lott      | Smiley     | Whitaker        |
| Crandall      | Haughton   | Loughran  | Smith      | Woodward        |
| Davidson      | Hawkins    | Mackay    | Smyth      | Woolsey         |
| Dykeman       | Herrick    | Moore     | Sniper     | Yeomans         |
| Eastman       | Holdridge  | Morton    |            |                 |

Those who voted in the negative, were

|         |          |          |         |                |
|---------|----------|----------|---------|----------------|
| Abbott  | Buell    | Dunphy   | A. Hill | Roche          |
| Aitken  | Campbell | Fields   | Moseley | Sage           |
| Badeau  | Chambers | J. Hayes | Mosher  | M. M. Tompkins |
| Blair   | Cook     | Healy    | Ray     | Wiley          |
| Buckley | Couchman |          |         |                |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Rose called from the table the report of the sub-committee of the whole, in favor of the passage of the bills entitled as follows:

"An act for the relief of the devisees and heirs-at-law of Louis Planer and Josephine Planer, deceased."

"An act to prevent frauds in the sale of patent rights."

"An act to authorize the construction of a bridge over Sing Sing kill, in the village of Sing Sing."

"An act to provide for supplying the city of Hudson, Columbia county, New York, with pure and wholesome water."

"An act to repeal chapter 100, Laws of 1858, entitled 'An act to construct a highway from the old State road, in Essex county, to the Port Kent and Hopkinton turnpike, in Franklin county.'"

Senate, "An act to release the title and interest of the people of this State in certain real estate in the town of Frankfort, Herkimer county, to Owen Salisbury."

Senate, "An act to amend chapter 92, Laws of 1869, entitled 'An act to provide for the compensation of members of the board of supervisors of the county of Oneida, and to fix the place of the annual sessions thereof.'" [With amendments.]

"An act to legalize and confirm the official acts of Gaylord S. Graves, a justice of the peace of the town of Bainbridge, in the county of Chenango." [With an amendment.]

"An act to repeal chapter 776 of the Laws of 1868, entitled 'An act to vest certain real estate belonging to the State, in the town of Marlborough, Ulster county, and to establish a public highway,' passed May 9, 1868."

"An act to amend the charter of the village of Perry, county of Wyoming."

Senate, "An act to release and convey the interest of the people of the State of New York in certain real estate in the city of Utica, of which Owen J. Owens died possessed, to Owen Griffiths, his nephew."

"An act to provide for reopening West avenue, in Long Island City, Queens county," amended by adding at the end of the title the words "and to repeal section 5 of an act entitled 'An act to lay out, construct

and maintain a public road from the foot of East Second street, in Long Island City, to D street, in Blissville, Queens county, and to close certain streets in Long Island City, Queens county,' passed May 1, 1868."

"An act to repeal chapter 928 of the Laws of 1871, entitled 'An act in relation to the laying out, opening and constructing of a public highway in the town of Hempstead, Queens county.'"

"An act to amend an act entitled 'An act relative to the improvement of certain portions of the counties of Westchester and New York,' including provisions for communication between said counties, and for improving the navigation of Harlem river and Spuyten Duyvil creek."

"An act to amend an act passed May 11, 1869, entitled 'An act to lay out and improve a public highway or avenue from Prospect park, in the city of Brooklyn, toward Coney island, in the county of Kings.'"

"An act to establish a special road district in Franklin county, and appropriate certain non-resident taxes for the construction and repairing of roads in the same."

"An act to amend an act entitled 'An act to enable the several highway districts in the town of Greenburgh, Westchester county, west of or through which the highway known as the late Highland turnpike runs, to macadamize and otherwise improve the public highways within their respective district,' passed April 22, 1867."

Senate, "An act to enable the board of education of the village of Salem, to borrow or raise by tax, money for school purposes, and to provide for the payment thereof, with interest, if borrowed, by tax on said village."

"An act supplemental to an act entitled 'An act to regulate and protect the planting of oysters in the public waters of the towns of Jamaica and Hempstead, in the county of Queens,' passed April 20, 1871."

"An act to authorize the election of an additional justice of the peace in the town of Sodus, in the county of Wayne." [With amendments.]

"An act to release to George Buerckel and Magdalena Stell, the brother and sister of Henry Buerckel, deceased, all the right, title and interest of the people of the State of New York, in and to a certain house and lot of land in the village of Lyons, county of Wayne, and State of New York."

"An act to incorporate the trustees of the home for the destitute children of Madison county."

"An act to change the time of the appointment of overseers of highways, and to define their duties, in the county of Suffolk."

"An act to enable Mary Conlan to take and hold real estate, and to release to her the interest and title in lands escheated to the State."

"An act for the relief of the heirs of Daniel Early, deceased, late of the city of New York."

"An act to provide for the election of a fifth justice of the peace in the town of Richland, in and for the county of Oswego, and for the future election of five justices of the peace of said town." [With amendments.]

"An act to release the interest of the people of the State of New York in certain real estate to Elizabeth Hanley."

"An act to amend an act entitled 'An act to incorporate the St. Joseph's Academy and Industrial Female School of Lockport,' passed February 19, 1866."

"An act to amend 'An act to provide for the construction of a main and lateral drain or sewer in Navy street, Johnson street and Hudson



avenue, and other streets and avenues in the city of Brooklyn,' passed April 6, 1871."

"An act to compel the commissioners appointed to build a town hall in the town of New Rochelle, under chapter 88 of the Laws of 1868, and all acts amendatory thereof, to account." [With amendments.]

"An act to limit the amount of money to be paid to the Hornell Library Association to \$500, and to amend chapter 549 of the Laws of 1869."

"An act to repeal an act entitled 'An act to provide for the erection of a town hall in the village of Mount Vernon, town of East Chester, county of Westchester,' passed April 4, 1871," amended so as to read as follows :

"An act to repeal chapter 285 of the Laws of 1871, entitled 'An act to provide for the erection of a town hall in the village of Mount Vernon, town of East Chester, county of Westchester,' passed April 4, 1871.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

"SECTION 1. Chapter 285 of the Laws of 1871, entitled 'An act to provide for the erection of a town hall in the village of Mount Vernon, town of East Chester, county of Westchester,' is hereby repealed.

"§ 2. This act shall take effect immediately."

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative.

*Ordered,* That said bill be engrossed for a third reading.

By unanimous consent, Mr. Baltz introduced a bill entitled "An act to authorize the taking of certain lands in the city of Buffalo for the purposes of an avenue leading from the Parade park southerly to Seneca street," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Baltz introduced a bill entitled "An act to incorporate the Buffalo and New York Oil Tankage and Transportation Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Baltz introduced a bill entitled "An act empowering the Buffalo Street Railroad Company to make certain advances to, and contracts with, the Buffalo East Side Street Railway Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Baltz introduced a bill entitled "An act to provide for the payment of the claims of George Orr, James Howell, Henry W. Faxon, Sherman B. Burns, John Hopkins, Levi D. Jerome, Mathias Buetler, Robert Watts, Charles Marvel, A. P. Dunlap, Hugh Battel and Jacob Chrysler, for services rendered the State of New York in conducting the draft ordered in the year 1862," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

The bill entitled "An act to establish a department of police and health in and for the city of Brooklyn," being announced for a third reading,

Mr. Jacobs moved to recommit said bill to the committee on affairs of cities, with instructions to so amend said bill that the mayor shall have power, by and with the consent of three-fourths of the common



council, to appoint four commissioners to take the places of those at present in office.

Debate was had thereon, when

Mr. Morton moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Jacobs, and it was determined in the negative.

{ AYES 22 }  
{ NOES 69 }

Those who voted in the affirmative, were

|          |             |            |         |                |
|----------|-------------|------------|---------|----------------|
| Aitken   | Chamberlain | Haughton   | Moseley | Ray            |
| Blair    | Cook        | Healy      | Mosher  | Roche          |
| Buell    | Couchman    | D. B. Hill | Oakley  | M. M. Tompkins |
| Campbell | Fields      | Jacobs     | Paige   | Wells          |
| Carroll  | Foley       |            |         |                |

Those who voted in the negative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Alberger      | Dykeman    | Houghton   | Moulton    | Snyder          |
| Alvord        | Enos       | Hungerford | Murdock    | Speaker         |
| I. H. Babcock | Ford       | Husted     | Osgood     | Springsted      |
| Badeau        | Fort       | Hyatt      | Pierce     | Squires         |
| Baltz         | Fowler     | Judd       | Preston    | Swain           |
| Beckwith      | Geib       | Knapp      | Rice       | Tobey           |
| Bemus         | Goss       | Knettles   | Rose       | Twombly         |
| Bennett       | Green      | Lincoln    | Sage       | A. L. Van Dusen |
| Berri         | Greenhalgh | G. P. Lord | Shepardson | W. J. Van Dusen |
| I. D. Brown   | Gregory    | Lott       | Simson     | White           |
| Burns         | Hawkins    | Loughran   | Smiley     | Whitaker        |
| Burritt       | Herrick    | Mackay     | Smith      | Woolsey         |
| Crandall      | Holdridge  | Moore      | Smyth      | Yeomans         |
| Davidson      | Hollister  | Morton     | Sniper     |                 |

Said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 68 }  
{ NOES 11 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Alberger      | Enos       | Hungerford | Murdock    | Snyder          |
| Alvord        | Ford       | Husted     | Osgood     | Speaker         |
| I. H. Babcock | Fort       | Hyatt      | Pierce     | Springsted      |
| Badeau        | Fowler     | Judd       | Preston    | Squires         |
| Baltz         | Geib       | Knapp      | Prince     | Swain           |
| Beckwith      | Goss       | Knettles   | Rice       | Tobey           |
| Bemus         | Green      | Lincoln    | Rose       | Twombly         |
| Bennett       | Greenhalgh | G. P. Lord | Sage       | A. L. Van Dusen |
| Berri         | Gregory    | Lott       | Shepardson | W. J. Van Dusen |
| I. D. Brown   | Hawkins    | Loughran   | Simson     | Wells           |
| Burns         | Herrick    | Mackay     | Smiley     | White           |
| Burritt       | Holdridge  | Moore      | Smith      | Whitaker        |
| Davidson      | Hollister  | Morton     | Smyth      | Yeomans         |
| Dykeman       | Houghton   | Moulton    |            |                 |

Those who voted in the negative, were

|        |        |            |         |                |
|--------|--------|------------|---------|----------------|
| Aitken | Cook   | Foley      | Moseley | Paige          |
| Blair  | Fields | D. B. Hill | Mosher  | M. M. Tompkins |
| Buell  |        |            |         |                |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Hawkins moved that the House now take a recess until 7½ o'clock.

Mr. Loughran moved that the House now adjourn.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

At 2 o'clock and 12 minutes the House adjourned.

## SATURDAY, MARCH 23, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Reeves.

The journal of yesterday was read and approved.

Mr. Rose called from the table the report of the sub-committee of the whole, in favor of the passage of the bills entitled as follows:

"An act to declare Otter creek and its tributaries, in Lewis and Herkimer counties, a public highway."

"An act to amend an act passed April 26, 1870, entitled 'An act to make further provision for the government of the city of New York,'" reported that said bill, which amends the charter of the city of New York, comes within the prohibition of subdivision 8 of rule 40. They therefore ask to be discharged from the further consideration of said bill, and that it be restored to its place on general orders; which report was agreed to.

"An act to provide for fair grounds in the county of Chemung."

"An act to authorize the common council of the city of Brooklyn to open and improve Sanford street, from Myrtle avenue to Flatbush avenue."

"An act to enable the board of education of the city of Brooklyn to sell certain lands."

"An act to amend an act entitled 'An act to provide for the widening the Coney Island plank-road, in the county of Kings, and for the subsequent management thereof,' passed May 15, 1868." [With amendments.]

"An act in relation to a part of Mamaroneck avenue, in the town of Mamaroneck, in the county of Westchester."

"An act to amend an act entitled 'An act to consolidate and amend the several acts relating to the village of Warsaw, and to enlarge the powers of the corporation of said village,' passed March 17, 1860."

"An act to authorize the board of education of school district No. 10, in the town of Warsaw, to erect a school building and provide means for payment thereof." [With an amendment.]

"An act to amend an act entitled 'An act for the appointment of commissioners to lay out a plan for roads and streets, in the town of Kings county.'" [With amendments.]

"An act to provide for the erection of a town house, in the town of New Lots, Kings county. [With amendments.]

"An act to amend an act entitled 'An act to amend the charter of the village of Warsaw, and to authorize said village to raise maney to procure water and to protect said village and the property therein against loss by fire,' passed February 18, 1871."

"An act in relation to making and repairing highways and bridges in the town of Flatbush, in Kings county." [With amendments.]

"An act to release the interest of the State in certain lands of which Thomas Breen died seized to Margaret Breen, his widow."

"An act in relation to Union avenue, in the towns of Mamaroneck and Rye, in the county of Westchester." [With amendments.]

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative.

*Ordered*, That said bills be engrossed for a third reading.

The Senate returned the bill entitled "An act to extend the provisions of chapter 113, of the laws of the year 1853, entitled 'An act declaring Indian river a public highway,'" with a message that they had reconsidered their vote on the final passage of said bill, and as amended passed the same.

*Ordered*, That the Clerk deliver said bill to the Governor.

The Senate returned the bills entitled as follows:

"An act to amend an act passed May 3, 1870, entitled 'An act to incorporate the city of Troy, passed April 12, 1816,' and the several acts amendatory thereto, and also to amend other acts relating to the city of Troy."

"An act to amend an act entitled 'An act to revise and amend an act entitled An act to incorporate the village of Canton, passed May 13, 1845, and the several acts amendatory thereof,' passed April 22, 1865, and amended April 6, 1871."

"An act to establish a board of health and of vital statistics in the county of Richmond, and to define its powers and duties."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate returned the Senate bill entitled "An act to amend an act to provide for a supply of water in the city of Poughkeepsie, and for sewers therein,' passed April 12, 1867, and also to amend an act entitled 'An act to amend an act entitled An act to provide for a supply of water in the city of Poughkeepsie, and for sewers therein, passed April 12, 1867, passed April 9, 1870,' and also to amend an act entitled 'An act to amend an act entitled An act to provide for a supply of water in the city of Poughkeepsie, and for sewers therein, passed April 12, 1867, passed April 19, 1871,'" with a message that they had concurred in the amendment made thereto by the Assembly.

*Ordered*, That the Clerk return said bill to the Senate.

The Senate returned the bill entitled "An act to authorize the city of Buffalo to borrow money and to subscribe to the capital stock of the Buffalo and Jamestown Railroad Company," with a message that they had concurred in the passage of the same.

*Ordered*, That the Clerk deliver said bill to the Governor.

A message from the Senate was received and read, requesting concurrence in the passage of the bills entitled as follows:

"An act to amend chapter 539 of the Laws of 1870, entitled 'An act in relation to jurors in the city and county of New York,' passed May 2, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to incorporate the National American University of Music and other Liberal Arts in the city of New York," which was read the first



time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act concerning the duties of assessors and collectors of taxes in the several towns and counties of the State, except in the counties of New York and Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to repeal an act entitled 'An act to provide a further supply of pure and wholesome water for the city of New York,' passed February 27, 1871; and also an act entitled 'An act to re-enact and amend an act entitled An act to provide a further supply of pure and wholesome water for the city of New York,' passed April 6, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to dissolve the New York and Richmond Granite Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trade and manufactures.

"An act to incorporate the Psi Chapter of the Psi Upsilon Fraternity, in the village of Clinton, in the county of Oneida, in the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act relating to courts of record, and other courts, in the city and county of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to incorporate a railroad company to construct a street railroad in the city and town of Oswego, in the county of Oswego," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to amend an act entitled 'An act to lay out, open and grade Sixtieth street in the city of Brooklyn, and towns of New Utrecht and Gravesend, in the county of Kings,' passed April 6, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to provide an armory in the city of Brooklyn, county of Kings, for the use of the Twenty-third regiment of the National Guard of the State of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the militia.

Mr. Smyth, from the committee on engrossed bills, reported as correctly re-engrossed the bill entitled as follows:

"An act to amend an act entitled 'An act to authorize the Syracuse Northern Railroad Company to construct and maintain a swing-bridge over the Oswego canal, in the first ward of the city of Syracuse,' passed April 7, 1871, so as to include the Erie canal, the second and third wards of said city and other wards of said city."

Also, as correctly re-engrossed the bill, recalled from the Governor, entitled as follows:

"An act to authorize the Buffalo and Springville Railroad Company to change the terminus of their road."

Also, as correctly engrossed:

"An act to incorporate the Holy Sepulchre Cemetery in the city of Rochester."

"An act to appoint commissioners to make a survey of Richmond county, and certain maps therefrom, and to mature and report a plan for laying out Staten Island, and for securing a water supply for the inhabitants thereof."

"An act to authorize the Brooklyn City Railroad Company to extend their road along Putnam and Nostrand avenues and Halsey street to Broadway, in the city of Brooklyn."

"An act to incorporate the Rochester Savings Bank Trust Company."

"An act authorizing the construction of a bridge across the Hudson river at the city of Albany, and incorporating the 'Albany and Greenbush Bridge Company.'"

"An act in relation to the Wallabout improvement in the city of Brooklyn."

"An act to amend an act entitled 'An act for the further extension of Prospect park, in the city of Brooklyn,' passed April 24, 1868."

Mr. Morton presented a petition of the officers, patrolmen and door-men of the Brooklyn police department, for an increase of pay; which was read and referred to the committee on the affairs of cities.

Mr. Aitken presented a petition of residents upon De Kalb avenue, Brooklyn, and its immediate vicinity, that the Brooklyn and Newtown Railroad Company be authorized to alter the route of said railroad, so as to run from De Kalb avenue into Fulton avenue, thence along Fulton avenue to Fulton street, and thence along Fulton or Washington streets to Fulton ferry, the present terminus; which was read and referred to the committee on railroads.

Messrs. Mackay, Moulton and Blair, severally, presented remonstrances of citizens of New York city, against the repeal of the act to provide a further supply of pure and wholesome water for the city of New York, passed February 27, 1871; which were read and referred to the committee on the affairs of cities.

Mr. Judd presented a petition of Staten Islanders for a Metropolitan police; which was read and referred to the committee on internal affairs.

Mr. Prince presented a petition of the St. Regis Indians, for an appropriation; which was read and referred to the committee on ways and means.

Mr. Murdock presented a remonstrance against the passage of any act extending the corporation limits of Hornellsville east of Canisteo river; which was read and referred to the committee on the affairs of villages.

Also, a petition in favor of giving police justice exclusive jurisdiction of all criminal matter within the limits of Hornellsville; which was read and referred to the committee on the judiciary.

Mr. M. M. Tompkins presented a remonstrance of many citizens of the county of Columbia, against the amendment of the charter of the city of Hudson, so as to increase the number of supervisors in said city; which was read and committed to the committee of the whole.

Mr. A. L. Van Dusen presented a petition of Alanson Dewey and others, of Ontario county, for a reduction in railroad freights; which was read and referred to the committee on railroads.

Mr. Alvord, from the committee on ways and means, to which was referred the bill entitled "An act to reimburse the commissioners named in chapter 653, Laws of 1869, for moneys expended by them in the discharge of their trust conferred by the provisions of said act," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.



Mr. Smyth, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act for the relief of the devisees and heirs-at-law of Louis Planer and Josephine Planer, deceased."

"An act to prevent frauds in the sale of patent rights."

"An act to authorize the construction of a bridge over Sing Sing kill, in the village of Sing Sing."

"An act to provide for supplying the city of Hudson, Columbia county, New York, with pure and wholesome water."

"An act to repeal chapter 100, Laws of 1858, entitled 'An act to construct a highway from the old State road, in Essex county, to the Port Kent and Hopkinton turnpike, in Franklin county.'"

"An act to legalize and confirm the official acts of Gaylord S. Graves, a justice of the peace of the town of Bainbridge, in the county of Chenango."

"An act to repeal chapter 776 of the Laws of 1868, entitled 'An act to vest certain real estate belonging to the State, in the town of Marlborough, Ulster county, and to establish a public highway,' passed May 9, 1868."

"An act to amend the charter of the village of Perry, county of Wyoming."

"An act to provide for reopening West avenue, in Long Island City, Queens county," amended by adding at the end of the title the words "and to repeal section 5 of an act entitled 'An act to lay out, construct and maintain a public road from the foot of East Second street, in Long Island City, to D street, in Blissville, Queens county, and to close certain streets in Long Island City, Queens county,' passed May 1, 1868."

"An act to repeal chapter 928 of the Laws of 1871, entitled 'An act in relation to the laying out, opening and constructing of a public highway in the town of Hempstead, Queens county.'"

"An act to amend chapter 534 of the Laws of 1871, entitled 'An act relative to the improvement of certain portions of the counties of Westchester and New York,' including provisions for communication between said counties, and for improving the navigation of Harlem river and Spuyten Duyvil creek."

"An act to amend an act passed May 11, 1869, entitled 'An act to lay out and improve a public highway or avenue from Prospect park, in the city of Brooklyn, toward Coney island, in the county of Kings.'"

"An act to establish a special road district in Franklin county, and appropriate certain non-resident taxes for the construction and repairing of roads in the same."

"An act to amend an act entitled 'An act to enable the several highway districts in the town of Greenburgh, Westchester county, west of or through which the highway known as the late Highland turnpike runs, to macadamize and otherwise improve the public highways within their respective district,' passed April 22, 1867."

"An act supplemental to an act entitled 'An act to regulate and protect the planting of oysters in the public waters of the towns of Jamaica and Hempstead, in the county of Queens,' passed April 20, 1871."

"An act to authorize the election of an additional justice of the peace in the town of Sodus, in the county of Wayne."

"An act to release to George Buerckel and Magdalena Stell, the brother and sister of Henry Buerckel, deceased, all the right, title and interest of the people of the State of New York, in and to a certain



house and lot of land in the village of Lyons, county of Wayne, and State of New York."

"An act to incorporate the trustees of the home for the destitute children of Madison county."

"An act to change the time of the appointment of overseers of highways, and to define their duties, in the county of Suffolk."

"An act to enable Mary Conlan to take and hold real estate, and to release to her the interest and title in lands escheated to the State."

"An act for the relief of the heirs of Daniel Early, deceased, late of the city of New York."

"An act to provide for the election of a fifth justice of the peace in the town of Richland, in and for the county of Oswego, and for the future election of five justices of the peace of said town."

"An act to release the interest of the people of the State of New York in certain real estate to Elizabeth Hanley."

"An act to amend an act entitled 'An act to incorporate the St. Joseph's Academy and Industrial Female School of Lockport,' passed February 19, 1866."

"An act to amend 'An act to provide for the construction of a main and lateral drain or sewer in Navy street, Johnson street and Hudson avenue, and other streets and avenues in the city of Brooklyn,' passed April 6, 1871."

"An act to compel the commissioners appointed to build a town hall in the town of New Rochelle, under chapter 88 of the Laws of 1868, and all acts amendatory thereof, to account."

"An act to limit the amount of money to be paid to the Hornell Library Association to \$500, and to amend chapter 549 of the Laws of 1869."

"An act to repeal chapter 285 of the Laws of 1871, entitled 'An act to provide for the erection of a town hall in the village of Mount Vernon, town of East Chester, county of Westchester,' passed April 4, 1871."

Mr. Fort, from the committee on canals, to which was referred the petitions of citizens of Tonawanda, Erie county, praying for the passage of an act to remove State dam at mouth of Tonawanda creek, reported by bill entitled "An act to amend an act entitled 'An act to prevent the flooding of lands by reason of the construction of the State dam across the Tonawanda creek at the village of Tonawanda,' passed June 5, 1871," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act to authorize the construction of a bridge over the Glen's Falls feeder, in the village of Glen's Falls, New York," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Green, from the committee on commerce and navigation, to which was referred the bill entitled "An act authorizing the construction of a carriageway on and over the bridge crossing the Hudson river at Albany, owned by the Hudson River Bridge Company, at Albany," reported adversely thereto; which report was agreed to.

Mr. Bennett, from the committee on commerce and navigation, to which was referred the bill entitled "An act to authorize the People's Ferry Company to establish and operate a ferry or ferries and in aid thereof," reported in favor of the passage of the same with amendments;

which report was agreed to, and said bill committed to the committee of the whole.

Mr. Snyder, from the committee on commerce and navigation, to which was referred the bill entitled "An act to incorporate the Peekskill Ferry Company," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Woolsey, from the committee on claims, to which was referred the petition of Pratt & Co. for relief; reported in writing, and by bill entitled "An act for the relief of Pratt & Co.," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See *Doc. No. 111.*)

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to repeal the act and all acts amendatory thereof to provide for the incorporation of companies to construct plank-roads, and of companies to construct turnpike roads, as far as the same relates to the Syracuse and Tully plank-road," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Mr. Wells, from the committee on trade and manufactures, to which was referred the bill entitled "An act to authorize the United Petroleum Farms Association to dispose of the proceeds of its real estate," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Wells, from the committee on trade and manufactures, to which was referred the bill entitled "An act to authorize the Rondout and Kingston Gas-light Company to issue bonds for certain purposes," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Wells, from the committee on trade and manufactures, to which was referred the bill entitled "An act to incorporate the Mechanics and Traders Exchange of the city of Brooklyn," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Yeomans, from the committee on agriculture, to which was referred the bill entitled "An act to incorporate the Medina Driving Park Association," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Yeomans, from the committee on agriculture, to which was referred the Senate bill entitled "An act to incorporate the Syracuse Driving Park Association," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Husted, from the committee on local and special laws, to which was referred the bill entitled "An act to incorporate the McClintock Association," reported that the objects can be attained under the general law.

On motion of Mr. Husted, said report was laid on the table.

Mr. Morton, from the committee on the affairs of cities, to which was referred the bill entitled "An act to regulate elections in the city of Brooklyn," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.



The order of business of third reading of bills being announced.

On motion of Mr. Alvord, said order of business was laid on the table.

Mr. Alvord introduced a bill entitled "An act in relation to the accounts of the Auditor of the Canal Department, and the State Treasurer," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Also, a bill entitled "An act to authorize the rebuilding and repairing of certain wharves and piers in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Also, a bill entitled "An act to protect commerce and travel from being unjustly taxed for the use of railroads in this State, and for other purposes relating thereto," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. D. B. Hill introduced a bill entitled "An act to provide for the building of iron bridges across the Chemung river in the city of Elmira, and bonding said city to pay the expenses thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Kingsland introduced a bill entitled "An act to provide for the formation of street railway companies and to regulate the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act to enable the Commissioners of the Land Office to convey a school-house lot to the trustees of school district No. 3, in the town of Dannemora," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public lands.

Also, a bill entitled "An act to amend the several acts in relation to State prisons," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

Mr. A. Hill introduced a bill entitled "An act to incorporate the New Baltimore Chestnut Lawn Cemetery Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Jacobs introduced a bill entitled "An act to authorize the common council of the city of Brooklyn to open and grade, pave and complete certain streets in said city," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to amend an act entitled 'An act to incorporate the Journeymen Ship-joiners' Benevolent Association of the city of New York,' passed April 13, 1840," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Yeomans introduced a bill entitled "An act requiring the highway tax of the New York Central Railroad Company through the town of Macedon, Wayne county, to be applied to the repairs of certain highways in said town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.



Mr. Prince introduced a bill entitled "An act relating to the marine court of the city of New York, declaring and defining its jurisdiction and practice, and consolidating the several acts affecting the said court," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend chapter 721 of the Laws of 1871, entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Woolsey introduced a bill entitled "An act to amend the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Goss introduced a bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to authorize the city of Rochester to subscribe for the stock of the Lake Ontario Shore Railroad Company, the Rochester and State Line Railroad Company, and the Rochester, Nunda and Pennsylvania Railroad Company, and to issue bonds upon which to borrow money to pay for such stock," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Alberger introduced a bill entitled "An act to amend certain sections of the Revised Statutes, in relation to the canals of this State, and their management," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Chambers introduced a bill entitled "An act relative to the care and education of deaf-mutes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State charitable institutions.

Mr. Greenhalgh introduced a bill entitled "An act to amend an act entitled 'An act to provide for the construction of a fishway in the Mohawk river, at the upper aqueduct, near the city of Schenectady,' passed April 27, 1871, chapter 781," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Bemus introduced a bill entitled "An act to amend chapter 368 of the Laws of 1865, entitled 'An act for the incorporation of societies or clubs for certain social and recreative purposes,' as amended by an act passed May 1, 1865, chapter 668," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Also, a bill entitled "An act to incorporate the Westfield Thief Detective Society," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Shepardson introduced a bill entitled "An act to incorporate the New York and South American Contract Company," which was read

the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Holdridge introduced a bill entitled "An act to empower Cone-wango Lodge No. 282 of the Independent Order of Odd Fellows of the State of New York, located in the village of East Randolph and county of Cattaraugus, to take, hold, lease, mortgage and convey real and personal estate, and to constitute the same a corporation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Marcy introduced a bill entitled "An act to authorize David S. S. Sammis to establish and continue a ferry across Fire Island or Great South Bay, from the village of Babylon to Fire Island Beach in the county of Suffolk," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Also, a bill entitled "An act authorizing the sale of the school-house in school district No. 27, in the town of Huntington, Suffolk county, and providing for the application of its proceeds of said sale," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

Also, a bill entitled "An act amending 'An act for the suppression of obscene literature, illustrations, advertisements and articles of indecent or immoral use, and obscene advertisements of patent medicines,' passed April 28, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to incorporate the proprietors of the Shinnecock hills and lands in the town of Southampton, in Suffolk county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Husted introduced a bill entitled "An act to authorize the board of education of Union free school district No. 9, in the town of Mount Pleasant, to borrow money," which was read the first time, and by unanimous consent, was also read the second time.

On motion of Mr. Husted, said bill was ordered printed and referred to the committee of the whole.

Mr. Lippitt introduced a bill entitled "An act to incorporate the Otselic Reservoir Company, in the counties of Madison and Chenango," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Judd introduced a bill entitled "An act for the repeal of that portion of the act passed April 28, 1870, which relates to the lease of the Mariners' Hospital property," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Also, a bill entitled "An act to amend an act entitled 'An act to incorporate the New Brighton Fire Engine Company No. 4,' passed April 19, 1859," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Haughton introduced a bill entitled "An act to permit the Broadway and East River Stage Company to extend their route in the city of New York," which was read the first time, and by unanimous consent



was also read the second time, and referred to the committee on the affairs of cities.

Mr. Speaker introduced a bill entitled "An act to amend chapter 358 of the Laws of 1858, in relation to the village of Pulaski," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act in relation to streets and highways," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Also, a bill entitled "An act to enable the several cities and towns of the State, which have not already done so, to refund the money expended in furnishing substitutes, or in commutation, by the men who were drafted into the military service of the United States and held to service in the several drafts under the conscription act of the United States, entitled 'An act for enrolling and calling out the national forces, and for other purposes,' approved March 3, 1863, and the acts amendatory thereto, while the option of commutation by the payment of three hundred dollars remained, and for the relief of the men who entered the service under said drafts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Hawkins offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That Assembly bill No. 316, general order 356, entitled "An act to ascertain by proper proofs who are entitled to vote upon certificates of naturalization purporting to have been issued within the city and county of New York, by the supreme court during the month of October, 1868, and by the superior court during the months of September and October, 1868," be considered in the next committee of the whole.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative, two-thirds of all the members present not voting in favor thereof.

On motion of Mr. Squires,

*Resolved*, That Senate bill No. 48, general order 527, entitled "An act to amend an act entitled 'An act to incorporate the National Trust Company of the city of New York,' passed April 19, 1867," be recommitted to the committee on banks for the purpose of amendment, retaining its place on general orders.

Mr. Woolsey moved that when the House adjourn to-day it be to meet on Monday evening at 7½ o'clock.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Husted called from the table the concurrent resolution relative to the final adjournment of the Legislature, in the words following:

*Resolved* (if the Assembly concur), That the Legislature adjourn sine die on the tenth day of April next, at 2 o'clock P. M.

Mr. Husted moved to amend said resolution by striking out the word "tenth" and inserting in lieu thereof the word "first."

Mr. Fort moved to lay the resolution upon the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Rose moved to amend by striking out the word "first" and inserting in lieu thereof the word "nineteenth."



Debate was had thereon, when

Mr. Hill moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Rose, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Husted, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said resolution, as amended, and it was determined in the affirmative.

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing that the Assembly have passed the same, with an amendment.

On motion of Mr. Springsted, and by unanimous consent,

*Resolved*, That the committee of the whole be discharged from the further consideration of Assembly bill, general order 441, entitled "An act to amend chapter 117 of the Laws of 1850, entitled 'An act to amend an act to provide for the better repairing certain roads in the town of Coeymans,' passed December 14, 1847," and that said bill be ordered to a third reading.

Mr. Mackay offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved* (if the Senate concur), That a respectful message be sent to His Excellency, the Governor, requesting him to return to this House, for amendment, Assembly bill No. 10, entitled "An act for the better prevention of the procurement of abortion and other like offenses, and to amend the laws relative thereto."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

The House then resolved itself into a committee of the whole on the bills entitled as follows:

"An act to authorize the formation, establishing and maintaining of driving park, park, and agricultural associations."

"An act to amend an act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,' passed April 2, 1850."

"An act to amend an act entitled 'An act to amend title 16, chapter 8, part 3 of the Revised Statutes, relative to proceedings for the draining of swamps, marshes, and other low or wet lands, and for the draining of farm lands, passed May 12, 1869,' and to authorize commissioners, appointed under said act, to borrow money for the purposes thereof, and to provide for the payment of the same."

And after some time spent therein, the Speaker resumed the chair, and Mr. Murdock, from said committee, reported progress on said first mentioned bill, and asked leave to sit again.

The question being upon granting leave,

On motion of Mr. Husted, the committee of the whole was discharged from the further consideration of said bill, and the same was ordered engrossed for a third reading.

Mr. Murdock, from said committee, also reported in favor of the passage of said second mentioned bill, with an amendment; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Murdock, from said committee, also reported progress on said third mentioned bill, and asked and obtained leave to sit again.

On motion of Mr. Judd, said bill was recommitted to the committee on internal affairs, retaining its place on general orders.

The Senate returned the concurrent resolution recalling from the Governor Assembly bill No. 10, entitled "An act for the better prevention of the procurement of abortion and other like offenses, and to amend the laws relative thereto," with a message that they had concurred in the passage of the same.

*Ordered*, That the Clerk deliver said resolution to the Governor.

On motion of Mr. Alberger, the bill entitled "An act to amend an act entitled 'An act giving permission to the United States to remove a portion of the public work known as the Erie Basin Breakwater, in or near Buffalo harbor,' passed April 27, 1868," was ordered to be considered in the next committee of the whole.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to provide for the dissolution of religious societies, and for the sale and disposition of the proceeds of the property of such societies."

"An act to amend an act entitled 'An act giving permission to the United States to remove a portion of the public work known as the Erie Basin Breakwater, in or near Buffalo harbor,' passed April 27, 1868."

Senate, "An act for the protection of tax-payers against the frauds, embezzlements and wrongful acts of public officers and agents."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Hollister, from said committee, reported progress on said first and third mentioned bills, and asked and obtained leave to sit again.

Mr. Hollister, from said committee, also reported in favor of the passage of said second mentioned bill with an amendment; which report was agreed to, and said bill ordered engrossed for a third reading.

On motion of Mr. Husted,

*Resolved*, That the sergeant-at-arms be directed to examine the files of members and to replace thereon all bills and documents that are now missing from said files.

On motion of Mr. Herrick,

*Resolved*, That Assembly bill No. 485, general order 547, entitled "An act to provide for the building of a bridge over the Boston and Albany railroad, in the town of East Greenbush, Rensselaer county," be considered in the first committee of the whole, not full.

Mr. Mackay offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That bill No. 265, general order No. 292, entitled "An act to incorporate the Mutual Trust Institution of the city of New York," be considered in the next committee of the whole not full.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative, two-thirds of all the members present not voting in favor thereof.

On motion of Mr. Badeau,

*Resolved*, That Assembly bill No. 326, general order 366, entitled "An act to amend chapter 194 of the Laws of 1846, entitled 'An act to authorize the New York and New Haven Railroad Company to extend their railroad from the Connecticut line to the New York and Harlem railroad, passed May 11, 1846,'" be considered in the next committee of the whole not full.

Mr. Smyth moved that the House do now adjourn.



Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to amend chapter 195 of the Laws of 1846, entitled 'An act to authorize the New York and New Haven Railroad Company to extend their railroad from the Connecticut line to the New York and Harlem railroad,' passed May 11, 1846."

"An act to provide for the building of a bridge over the Boston and Albany railroad, in the town of East Greenbush, Rensselaer county."

"An act to provide for the improvement of the navigation of the Oneida and Oswego rivers, and of the hydraulic power thereon, and to check freshets therein."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. W. J. Van Dusen, from said committee, reported in favor of the passage of said first and second mentioned bills; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. W. J. Van Dusen, from said committee, also reported progress on said third mentioned bill, and asked and obtained leave to sit again.

By unanimous consent, Mr. Mackay introduced a bill entitled "An act to amend an act entitled 'An act to amend the several acts relating to the powers of the commissioners of emigration, and for the regulation of the Marine Hospital,' passed April 13, 1853," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Smyth moved that the House do now adjourn.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act for the relief of the town of Perrinton, in the county of Monroe."

"An act to authorize the construction of gas works and the manufacture and sale of gas for the purpose of lighting the village of Port Jervis, Orange county, New York, and the streets, avenues and buildings therein, and to lay pipes for that purpose."

"An act to incorporate the Mutual Trust Institution of the city of New York."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. I. D. Brown, from said committee, reported in favor of the passage of the first and second mentioned bills; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. I. D. Brown, from said committee, also reported progress on said third mentioned bill, and asked leave to sit again.

The question being upon granting leave,

On motion of Mr. Alvord, the committee of the whole was discharged from the further consideration of said bill, and the same was ordered engrossed for a third reading.

Leave of absence was granted to Mr. Beckwith until Monday evening, and to Messrs. E. E. Brown and Husted until Tuesday evening, and to Messrs. Enos and Lincoln until Tuesday.

On motion of Mr. D. B. Hill, at 1 o'clock and 40 minutes, the House adjourned.



MONDAY, MARCH 25, 1872—7.30 P. M.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Rhodes.

The journal of Saturday, March 23, was read and approved.

The Senate returned the bill entitled "An act to amend title 12 of the charter of the city of Albany entitled 'The Police Department,' passed March 16, 1870," with a message that they had concurred in the passage of the same.

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Speaker presented the annual report of the New York Hospital; which was laid on the table and ordered printed.

(*See Senate Doc. No. 66.*)

The Speaker and Clerk, pursuant to resolution, recommended the reference to the sub-committee of the whole the bills entitled as follows; which was agreed to:

"An act to amend an act entitled 'An act for the erection and maintenance of watering troughs in the public highways,' passed April 7, 1869."

"An act for the protection of physicians and surgeons in cases of alleged malpractice."

"An act to amend an act passed May 10, 1870, entitled 'An act to amend an act entitled An act to provide for the incorporation of villages passed December 7, 1847, and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village.'"

"An act to amend an act entitled 'An act to authorize the board of trustees of the town of Morrisania to lay out and open 156th street, from St. Agnes avenue to the Third avenue, in the town of Morrisania, county of Westchester,' passed April 13, 1871."

"An act to authorize the lighting of public streets and avenues in the town of Fishkill, in the county of Dutchess."

"An act to incorporate the St. Patrick's Temperance and Benevolent Society of Kingsbridgeville, in the county of Westchester."

"An act to amend an act entitled 'An act to incorporate the New York Botanical Club,' passed April 21, 1871."

"An act to authorize the board of town officers of the town of West Farms, in the county of Westchester, to issue certificates of indebtedness."

"An act to amend an act entitled 'An act in relation to the receiver of taxes for the town of Morrisania,' passed April 28, 1870."

"An act to amend an act entitled 'An act to create a board of trustees for the town of Morrisania, in the county of Westchester, and to define their powers,' passed April 22, 1864, and the acts amending the same."

"An act to authorize the drainage and improvement of a part of the valley of the Saw-mill river in the town of Yonkers, and the laying out of streets and roads in the same."

"An act to create a police and civil justice in the town of Morrisania, in the county of Westchester."

Senate, "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Hornellsville,' passed April 9, 1867."

"An act to abolish the office of the trustees of the freeholders and commonalty of the town of Huntington, in the town of Huntington, county of Suffolk, and to create their successors."

"An act to authorize the appointment of commissioners to fix the grade and improve sidewalks and streets in the town of New Lots, Kings county."

"An act to authorize the inhabitants of the town of Oswego to raise money to build a soldiers' monument."

"An act in relation to the board of town auditors, poor-masters and collector of the town of Kingston, Ulster county."

Senate, "An act for the relief of Simon De Graff, James Conway, and George W. Phelps, and to authorize the board of supervisors of the county of Livingston to audit and allow the claims of Simon De Graff, James Conway, and George W. Phelps, for constructing and repairing a bridge over the Genesee river, in the county of Livingston, and to levy a tax for the amount allowed."

"An act for the suppression of the sale of prize packages."

"An act to amend an act entitled 'An act to revise the charter of Long Island City.'"

Senate, "An act to amend an act entitled 'An act to revise the charter of the city of Auburn,' passed April 22, 1869."

"An act to authorize the trustees of the village of Flushing to issue bonds and raise money for the purchase of a steam fire-engine, and for the mapping and establishment of lines and grades for the streets and public places in said village."

"An act to change and fix the number of trustees of the Attica Union Free School and Academy."

"An act to repeal an act to grade and macadamize the Westchester turnpike and post-road, appointing commissioners by chapter 549 of the Laws of 1868, and the acts amendatory thereof."

"An act to authorize the construction of a bridge over Tunison's creek, in Richmond county."

"An act to erect the village of Greenville into a separate road district."

"An act authorizing the formation of a separate road district in the town of Jay, county of Essex."

"An act to repeal so much of chapter 640, Laws of 1870, as relate to non-resident lands in the county of Franklin."

"An act entitled 'An act to amend an act entitled An act to authorize the making and opening of a road or avenue from the intersection of the highway running east of Rockland lake, with the highway running from the lake to Rockland lake landing in the county of Rockland, to intersect the highway running from Upper Piermont to Orangeburgh,' passed April 21, 1871, and to extend said Highland avenue south to the State line."

"An act to revise the Gypsum Cemetery Association of Ontario county."

"An act to incorporate the Fresco Painters' Benevolent and Protective Union, of the city and county of New York."

Senate, "An act to authorize the trustees of the Black River Annual Conference to pay and transfer to the trustees of the Central New York Conference certain funds and property."



"An act authorizing John Rosekrans, of Wayland, in the county of Steuben, to remove the remains of certain persons buried on his premises to the Wayland cemetery, in said town."

"An act to incorporate the South Worcester Cemetery Association."

"An act to incorporate the Young Men's Universalist Association of the city of New York."

"An act to amend chapter 90, Laws of 1869, being an act entitled 'An act to provide for the improvement of the navigation of the Rackett river, and of the hydraulic power thereon, and to check freshets therein,' passed April 2, 1869."

"An act requiring the New York Central and Hudson River Railroad Company to change the names of certain stations upon the line of their railroad."

"An act to lay out a public highway in the towns of Rutland and Le Ray, in the county of Jefferson."

"An act to authorize the commissioners of highways of the towns of Guilderland and New Scotland, in the county of Albany to lay out and open a certain highway, extending in the said towns of the width of two rods."

Senate, "An act to allow the town of Bethany, Genesee county, to raise an increased amount of money for the support of roads and bridges in said town."

Senate, "An act to amend an act passed May 10, 1870, entitled 'An act to amend an act entitled An act to provide for the incorporation of villages,' passed December 7, 1847, and the several acts amendatory thereof, so far as the same relate to the village of Mount Vernon, in the county of Westchester, and to declare, enlarge and define the powers and duties of the officers of said village, and to confirm and extend the powers of the corporation of said village."

Senate, "An act to revive and amend the act to incorporate the Wyoming Benevolent Institute, passed April 28, 1870."

"An act revising, amending and consolidating the charter of and the several acts relating to the village of Geneseo, in the county of Livingston, modifying the powers of the corporation, and the duties of its officers."

Senate, "An act to amend the act entitled 'An act to amend the several acts incorporating the village of Owego, in the county of Tioga,' passed April 9, 1851."

"An act to repeal chapter 287 of the Laws, passed April 4, 1871, being an act to amend the law for the assessment and collection of taxes in cases where farms or lots are divided by county lines."

"An act to incorporate the Shelter Island Grove and Camp-meeting Association of the Methodist Episcopal Church."

"An act regulating the sale of leaf tobacco in the State of New York."

"An act releasing the interest of the State in certain lands and premises of which Maurice Roche, late of Cocksackie, in the county of Greene, died seized, and authorizing his heirs at law to hold and convey the same."

"An act releasing the interest of the State in certain lands of which Mary Ann Wilcox died possessed."

"An act to release to Mary McGarrity the right, title and interest of the people of the State of New York, in and to certain real estate in the city of Brooklyn."

"An act to amend an act to incorporate the city of Ogdensburg, passed April 27, 1868."



"An act to amend an act entitled 'An act to incorporate the city of Ogdensburgh, passed April 27, 1868."

"An act to amend an act entitled 'An act to incorporate the city of Rome,' passed February 23, 1870."

Senate, "An act authorizing the Cattaraugus County Agricultural Society, to borrow money to be used in improving its fair grounds."

"An act to revise, amend and consolidate the several acts in relation to the charter of the city of Hudson."

"An act to enable Timothy Baldwin, Jr., to take and hold real estate, and to release to him the interest and title in lands escheated to the State."

"An act to authorize the county clerk of Montgomery county to sign the certificates of record of deeds and mortgages and other records, or of filing of papers recorded or filed in Montgomery county clerk's office, which were not signed by the former clerk of said county of Montgomery."

"An act to legalize and confirm the official acts of William H. Ireland, a justice of the peace of the town of Coventry, in the county of Chenango."

Senate, "An act in relation to petit jurors for the county courts and courts of sessions in the county of Westchester."

"An act in relation to the Sea Cliff Grove and Metropolitan Camp Ground Association."

"An act to incorporate the Society of St. Vincent de Paul, in the city of New York."

Senate, "An act to amend an act to incorporate the Young Men's Christian Association of the city of Schenectady, passed April 28, 1871."

Senate, "An act for the relief of certain religious societies in the county of Kings."

Senate, "An act to amend and in addition to an act entitled 'An act to incorporate the New England Society in the city of New York,' passed April 15, 1833."

Senate, "An act to confirm and make valid the title of the Evangelical Lutheran St. John's Church, Unaltered Augsburg Confession, in the city and county of New York, to certain real estate occupied by it in said city."

"An act providing for the division of moneys appropriated for the promotion of agriculture in Wayne county."

"An act to amend an act entitled 'An act to incorporate the Industrial School of Rochester,' passed April 15, 1857."

"An act to repeal an act to legalize the acts of the inhabitants of school districts Nos. 1, 2, 5 and 9, in the town of Wilson, in the county of Niagara, in forming a union free school district, and the official acts of the board of education therein."

"An act authorizing the city of Albany to close a part of Quackenbush street, and to permit the erection of bridges over certain streets in said city."

"An act to legalize certain proceedings of the common council of the city of Buffalo, and for the relief of Frederick Haake."

"An act to provide for the improvement of the highways extending from Lansing street, Genesee street and Caroline avenue, in the village of West Troy, to the Loudon road in the town of Watervliet (highways lying in part in the town of Watervliet, and in part in the village of

West Troy), and to authorize the board of supervisors of the county of Albany to assess the expense thereof upon the said town."

"An act to amend section 1 of chapter 730 of the laws of 1871, entitled 'An act in relation to highways in the county of Rockland.'"

"An act to repeal an act entitled 'An act to amend an act entitled An act to amend and consolidate the several acts in relation to the village of Rhinebeck,' passed February 2, 1867, passed April 21, 1870."

Senate, "An act to amend an act entitled 'An act to supply the village of Middletown with water for public and private purposes,' passed April 3, 1866."

"An act relative to the setting of fykes and other nets in Harlem and East rivers."

"An act to prevent the taking of fish from Loon lake, in the town of Wayland, Steuben county."

"An act to open, widen, straighten, work and grade Third avenue, in the town of Morrisania."

"An act to authorize the town of Canton to aid in the construction of a reservoir upon the head waters of Grass river, and to legalize the action of the special town meeting of the town of Canton, held February 24, 1872."

"An act to amend an act entitled 'An act to authorize the village of Yonkers to issue bonds for the purpose of raising money to construct bridges over the Nepperhan river,' passed April 19, 1871."

Senate, "An act to incorporate the Addison Spring Water Company."

Senate, "An act to incorporate the Little Valley Water-works Company."

Senate, "An act to regulate the practice of pharmacy and the sale of poisons in the city and county of New York."

"An act to release the title and interest of the people of the State of New York in and to certain real estate in the city of Brooklyn, to Sarah Groom."

"An act relative to the streets, avenues, wharves, piers, and bulkheads of the village of College Point, in the county of Queens."

"An act legalizing the action of the town of Norfolk, St. Lawrence county, New York, in the purchase of a town hall and site."

"An act to compel the New York Central and Hudson River Railroad Company to construct a bridge over the New York Central and Hudson River railroad in the town of Riga, Monroe county, for the better protection of the public travel in crossing said railroad."

"An act repealing the act entitled 'An act to incorporate the Port Jervis Driving Park Association,' passed March 22, 1871, and to reorganize such association."

"An act to repeal chapter 360 of the Laws of 1871, entitled 'An act to amend an act entitled An act to provide for the promotion of public health, and for draining and reclaiming overflowed and wet lands adjoining Black lake and its tributaries, in the counties of St. Lawrence and Jefferson, and for improving the hydraulic power at Ogdensburgh, passed May 4, 1864, being chapter 577 of the Laws of 1864, as amended by chapter 180 of the Laws of 1868,' passed April 7, 1871."

"An act to amend, as to the county of Kings, an act entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871."

"An act to authorize the board of supervisors of the county of Westchester, to purchase City Island Bridge (so called), in said county."

"An act to require the New York Central and Hudson River Railroad Company to construct and maintain a carriage viaduct at Port Byron."

"An act to repeal chapter 906 of the Laws of 1869, and chapter 649 of the Laws of 1870, and chapter 356 of the Laws of 1871, so far as the same relate to the town of Pelham, in Westchester county, and the supervisor thereof, and to enable said town to construct part of the road in said acts referred to."

"An act to amend the charter of the village of White Plains, in the county of Westchester."

"An act to amend an act entitled 'An act to authorize the trustees of the village of White Plains, in the county of Westchester, to regulate, grade and macadamize or pave Railroad avenue in said village,' passed April 19, 1871, and for the protection of the pavement on the said street or avenue."

"An act to amend an act entitled 'An act for the incorporation of cities and villages passed December 7, 1847,' so far as the same relates to the village of North Tonawanda, Niagara county, passed April 17, 1871."

"An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Lansingburgh,' passed April 16, 1864."

"An act to legalize the election of trustees and other corporation officers of the village of Fonda."

"An act in relation to the East and West Martinburgh burial-grounds."

"An act to authorize the Lockport Home for the Friendless to contract with the county of Niagara for the care and support of poor children of said county, and as to the trustees of said society."

"An act to amend the charter of the Orphan Asylum Society in the city of New York."

"An act to confirm a deed from the consistory of the Reformed Dutch Church of Poughkeepsie, to the consistory of the Second Reformed Dutch Church of Poughkeepsie."

"An act to legalize and to provide for the election of trustees of Sleepy Hollow Cemetery, at Tarrytown, and to confirm their official acts."

Senate, "An act to amend the charter of the society of St. John Land, in the county of Suffolk, incorporated under the provisions of an act entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' passed April 12, 1848."

"An act to amend an act entitled 'An act authorizing the board of education of the city and county of New York to establish a free academy in said city,' passed May 7, 1847, and the several acts amendatory thereof."

"An act to amend section 3 of chapter 364 of the Laws of 1871, entitled 'An act to provide for the purchase of a new school-house site and for the erection of a school-house thereon, in school district No. 3 at Whitestone, in the town of Flushing, in Queens county, and for the sale of the present school-house and site in said district.'"

"An act to increase the number of trustees of Oxford Academy."

"An act amending chapter 637 of the Laws of 1866, entitled 'An act in relation to the college of the city of New York,' passed April 17, 1866."

"An act to authorize the city of Oswego to borrow and disburse moneys for city purposes."

"An act authorizing the city of Rochester to issue its bonds to an



amount not to exceed seventy-five thousand dollars for the purpose of building a free academy."

"An act to regulate the compensation of the special county judge and special surrogate, of Chautauqua county."

"An act to incorporate the Syracuse Driving Park Association."

"An act to provide for the sale of certain public property in the city of New York."

"An act to amend an act entitled 'An act to amend chapter 194 of the Laws of 1849, entitled An act to vest in the boards of supervisors certain legislative powers, and to prescribe their fees for certain services,' passed April 3, 1849, passed February 2, 1871."

Mr. Speaker then put the question whether the House would agree to referring said bills, and it was determined in the affirmative.

Pursuant to the 9th joint rule, Mr. Speaker announced the order of business of third reading of bills.

On motion of Mr. Alvord, and by unanimous consent, all orders of business down to general orders was laid on the table.

By unanimous consent, Mr. Swain offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved* (if the Senate concur), That a respectful message be sent to the Governor requesting him to return to the Assembly, for amendment, the Assembly bill entitled "An act to extend the time for organizing the Niagara Water-works Company."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

By unanimous consent, Mr. Vedder introduced a bill entitled "An act for the relief of Mary Doheny," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

By unanimous consent, Mr. Burns introduced a bill entitled "An act to amend an act entitled 'An act for the better regulation of the county and State prisons of the State, and consolidating and amending the existing laws in relation thereto,' passed December 14, 1847," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

By unanimous consent, Mr. Hyatt introduced a bill entitled "An act for the organization and incorporation of the Lenox Farmers' and Mechanics' Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

By unanimous consent, Mr. Springsted introduced a bill entitled "An act to change the name of the Sixth Ward Savings Bank of the city of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks.

By unanimous consent, Mr. Pierce introduced a bill entitled "An act to authorize the board of supervisors of Franklin county to assess upon the town of Fort Covington five hundred dollars for the purpose of building side-walks in said town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Pierce introduced a bill entitled "An act in relation to the alteration of towns in the county of Franklin," which

was read the first time, and by unanimous consent was also read the second time, and referred to the committee on civil divisions.

By unanimous consent, Mr. Smith introduced a bill entitled "An act to incorporate the Washington Park Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

By unanimous consent, Mr. Pell introduced a bill entitled "An act in relation to the board of trustees of the General Convention of Universalists in the United States of America," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Niles introduced a bill entitled "An act to amend an act entitled 'An act relating to the court of appeals and the commission of appeals,' passed April 14, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Niles introduced a bill entitled "An act in relation to telegraph companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Preston introduced a bill entitled "An act to prevent the obstruction of highways in the county of Chautauqua by the accumulation of sewers therein," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Whitbeck introduced a bill entitled "An act to incorporate the Palette of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

By unanimous consent, Mr. Whitbeck introduced a bill entitled "An act to extend the time allowed to the New York Railway Company to commence and complete their railways," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Houghton presented a petition to extend Union avenue, by widening Congress street, in Saratoga Springs; which was read and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Moseley presented a remonstrance of property owners against the widening of Fifteenth street, in the city of Brooklyn; which was read and referred to the committee on the affairs of cities.

The House then resolved itself into a committee of the whole on the bills entitled as follows :

"An act to encourage the establishment of manufactories in the city of Poughkeepsie."

Senate, "An act for the protection of tax-payers against the frauds, embezzlements and wrongful acts of public officers and agents."

"An act to provide for the dissolution of religious societies, and for the sale and disposition of the proceeds of the property of such societies."

And after some time spent therein Mr. Speaker resumed the chair, and Mr. D. L. Babcock, from said committee, reported progress on said first mentioned bill, and asked and obtained leave to sit again.

Mr. D. L. Babcock, from said committee, also reported in favor of the



passage of said second mentioned bill; which report was agreed to, and said bill ordered to a third reading.

Mr. D. L. Babcock, from said committee, also reported in favor of the passage of said third mentioned bill, with an amendment, and the title amended by adding after the word "societies" the words "except in the city and county of New York," which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Alvord moved that the bill entitled "An act to supply deficiencies in former appropriations and to pay the indebtedness of the State on account of the canals, which deficiencies and indebtedness have been changed into liabilities for money borrowed to pay them, or into certificates of indebtedness on which the State is now paying interest and to pay the floating indebtedness of the State, and the estimated liabilities for the present fiscal year not yet provided by law, and to raise money therefor, by an issue of the bonds of the State, and to provide for submitting the question thereon to the people," be made a special order for to-morrow evening.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act making appropriations for the payment of the principal and interest on the canal debt, commencing on the 1st day of October, 1872, and to provide for the payment of the debt contracted under section 12 of article 7 of the Constitution."

Senate, "An act to extend the time for the completion of the Erie and New York city railroad."

"An act to amend the Revised Statutes, in respect to administrators, with the will annexed."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Sage, from said committee, reported in favor of the passage of said first mentioned bill; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Sage, from said committee, also reported in favor of the passage of said second mentioned bill; which report was agreed to, and said bill ordered to a third reading.

Mr. Sage, from said committee, also reported progress on said last mentioned bill, and asked and obtained leave to sit again.

By unanimous consent, Mr. West introduced a bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Ballston Spa, passed April 12, 1855, as amended by An act to amend an act entitled An act to amend and consolidate the several acts relative to the village of Ballston Spa,' passed May 9, 1868, and for the purpose of securing an additional supply of water for the use of said village," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Kennedy introduced a bill entitled "An act for the construction of an iron bridge over the Dansville branch of the Genesee Valley canal, at the point where the road laid out by the highway commissioners of the town of Sparta, on the 26th of February, 1872, intersects said canal," which was read the first time, and by unanimous



consent was also read the second time, and referred to the committee on canals.

By unanimous consent, Mr. Kennedy introduced a bill entitled "An act for the erection of an iron bridge over the Genesee Valley canal at Piffardinia, in the county of Livingston," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act releasing the interest of the people of the State of New York in certain real estate to the Five Points House of Industry."

"An act for the appropriation of fifteen hundred dollars to repair a road across the Onondaga Indian reservation."

"An act relative to the manner of conducting and voting at primary elections in the several cities of this State."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Wyman, from said committee, reported in favor of the passage of said first and second mentioned bills, the second mentioned with amendments; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Wyman, from said committee, also reported progress on said third mentioned bill, and asked and obtained leave to sit again.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act for the improvement of the navigation of the Hudson river, and to make an appropriation therefor."

"An act to amend the act, chapter 778 of the Laws of 1871, reappropriating certain moneys for the construction of new work upon and extraordinary repairs of the canals of this State."

"An act relating to and extending the jurisdiction of the court of common pleas for the city and county of New York, the superior court of the city of New York, the superior court of Buffalo, and the city court of Brooklyn, and providing for the removals in certain cases of causes and proceedings from said courts to the supreme court, and from the supreme court to the said courts.

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Shepardson, from said committee, reported in favor of the passage of said first and second mentioned bills, the first mentioned with an amendment; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Shepardson, from said committee, also reported progress on said third mentioned bill, and asked and obtained leave to sit again.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act granting to the West Shore Land and Improvement Company further powers."

"An act to ascertain by proper proofs who are entitled to vote upon certificates of naturalization, purporting to have been issued within the city and county of New York by the supreme court during the month of October, in the year 1868, and by the superior court during the months of September and October of said year."

"An act in relation to the rate of interest upon money, and providing penalties for reserving or receiving unlawful interest."

And after some time spent therein, Mr. Speaker resumed the chair, and

Mr. Wells, from said committee, reported in favor of the passage of said first mentioned bill; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Wells, from said committee, also reported progress on said second mentioned bill, and asked and obtained leave to sit again.

Mr. Wells, from said committee, also reported progress on said third mentioned bill, but found no quorum present, and reported that fact to the House.

On motion of Mr. I. D. Brown, at 10 o'clock and 35 minutes, the House adjourned.

## TUESDAY, MARCH 26, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Rhodes.

The journal of yesterday was read and approved.

By unanimous consent, Mr. G. D. Lord introduced a bill entitled "An act to authorize the city of Rochester to issue its bonds in aid of the Rochester and State Line Railway Company, and to take the bonds of that company therefor," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. G. D. Lord, and by unanimous consent, said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 4 }

Those who voted in the affirmative, were

|               |          |            |            |                 |
|---------------|----------|------------|------------|-----------------|
| Abbott        | Cook     | Holdridge  | Marcy      | Sniper          |
| Aitken        | Couchman | Hollister  | Moulton    | Speaker         |
| Alvord        | Crandall | Houghton   | Murdock    | Springsted      |
| D. L. Babcock | Dykeman  | Hungerford | Niles      | Squires         |
| I. H. Babcock | Eastman  | Hyatt      | Oakley     | Swain           |
| Badeau        | Ford     | Judd       | Paige      | D. Tompkins     |
| Baltz         | Fort     | Kennedy    | Pierce     | Tucker          |
| Beckwith      | Fowler   | Kilian     | Preston    | Twombly         |
| Bennett       | Geib     | Knapp      | Ray        | A. L. Van Dusen |
| Berri         | Goring   | Knottles   | Roche      | W. J. Van Dusen |
| Buckley       | Goss     | Lewis      | Rose       | Vedder          |
| Buell         | Green    | Lincoln    | Sage       | Wells           |
| Campbell      | Gregory  | G. D. Lord | Shepardson | Whitaker        |
| Carroll       | Healy    | Lott       | Simson     | Wiley           |
| Chamberlain   | Herrick  | Lynde      | Smith      | Woolsey         |
| Chambers      | A. Hill  | Mackay     | Smyth      |                 |

Those who voted in the negative, were

|         |         |        |      |
|---------|---------|--------|------|
| Hawkins | Moseley | Mosher | Pell |
|---------|---------|--------|------|

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

By unanimsous consent, Mr. G. D. Lord introduced a bill entitled "An act to authorize the city of Rochester to issue its bonds in aid of the

Lake Ontario Shore Railroad Company, and to take the bonds or stock of that company therefor," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. G. D. Lord, and by unanimous consent said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 77 }  
{ NOES 5 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Aitken        | Crandall   | Holdridge  | Lott       | Sniper          |
| Alvord        | Davidson   | Hollister  | Lynde      | Snyder          |
| D. L. Babcock | Dykeman    | Houghton   | Mackay     | Speaker         |
| I. H. Babcock | Eastman    | Hungerford | Marcy      | Springsted      |
| Badeau        | Ford       | Hyatt      | Moulton    | Squires         |
| Baltz         | Fort       | Jacobs     | Murdock    | Swain           |
| Beckwith      | Geib       | Judd       | Niles      | D. Tomkins      |
| Bennett       | Goring     | Kennedy    | Oakley     | Twombly         |
| Berri         | Goss       | Kilian     | Pierce     | A. L. Van Dusen |
| Buckley       | Green      | Knapp      | Preston    | Vedder          |
| Buell         | Greenhalgh | Knettles   | Ray        | Wells           |
| Burns         | Gregory    | Lewis      | Shepardson | Whitbeck        |
| Carroll       | Haight     | Lincoln    | Simson     | White           |
| Chamberlain   | Healy      | Lippitt    | Smith      | Wiley           |
| Chambers      | Herrick    | G. D. Lord | Smyth      | Woolsey         |
| Cook          | A. Hill    |            |            |                 |

Those who voted in the negative, were

|        |         |      |      |        |
|--------|---------|------|------|--------|
| Abbott | Moseley | Pell | Rose | Tucker |
|--------|---------|------|------|--------|

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. A. L. Van Dusen, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows:

"An act to declare Otter creek and its tributaries, in Lewis and Herkimer counties, a public highway."

"An act to provide for fair grounds in the county of Chemung."

"An act to authorize the common council of the city of Brooklyn to open and improve Sanford street, from Myrtle avenue to Flushing avenue."

"An act to enable the board of education of the city of Brooklyn to sell certain lands."

"An act to amend an act entitled 'An act to provide for the widening the Coney Island plank-road, in the county of Kings, and for the subsequent management thereof,' passed May 15, 1868."

"An act in relation to a part of Mamaroneck avenue, in the town of Mamaroneck, in the county of Westchester."

"An act to amend an act entitled 'An act to consolidate and amend the several acts relating to the village of Warsaw, and to enlarge the powers of the corporation of said village,' passed March 17, 1860."

"An act to authorize the board of education of school district No. 10, in the town of Warsaw, to erect a school building and provide means for payment thereof."

"An act to amend an act entitled 'An act for the appointment of com-



missioners to lay out a plan for roads and streets, in the towns of Kings county,' passed May 7, 1869."

"An act to provide for the erection of a town house, in the town of New Lots, Kings county.

"An act to amend an act entitled 'An act to amend the charter of the village of Warsaw, and to authorize said village to raise money to procure water and to protect said village and the property therein against loss by fire,' passed February 18, 1871."

"An act in relation to making and repairing highways and bridges in the town of Flatlands, in Kings county."

"An act to release the interest of the State in certain lands, of which Thomas Breen died seized, to Margaret Breen his widow."

"An act in relation to Union avenue in the towns of Mamaroneck and Rye, in the county of Westchester."

"An act to amend chapter 117 of the Laws of 1850, entitled 'An act to amend an act to provide for the better repairing certain roads in the town of Coeymans,' passed December 14, 1847."

"An act to amend an act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,' passed April 2, 1850."

"An act to amend an act entitled 'An act giving permission to the United States to remove a portion of the public work known as the Erie Basin Breakwater, in or near Buffalo harbor,' passed April 27, 1868."

"An act to authorize the formation, establishing and maintaining of driving park, park, and agricultural associations."

"An act to amend chapter 195 of the Laws of 1846, entitled 'An act to authorize the New York and New Haven Railroad Company to extend their railroad from the Connecticut line to the New York and Harlem railroad,' passed May 11, 1846."

"An act to provide for the building of a bridge over the Boston and Albany railroad in the town of East Greenbush, Rensselaer county."

"An act to authorize the construction of gas works and the manufacture and sale of gas for the purpose of lighting the village of Port Jervis, Orange county, New York, and the streets, avenues and buildings therein, and to lay pipes for that purpose."

"An act to incorporate the Mutual Trust Institution of the city of New York."

"An act for the relief of the town of Perrinton, in the county of Monroe."

"An act to provide for the dissolution of religious societies, except in the city and county of New York, and for the sale and disposition of the proceeds of the property of such societies."

"An act making appropriations for the payment of the principal and interest on the canal debt, commencing on the first day of October, 1872, and to provide for the payment of the debt contracted under section 12 of article 7 of the Constitution."

"An act releasing the interest of the people of the State of New York in certain real estate to the Five Points House of Industry."

"An act for the appropriation of fifteen hundred dollars to repair a road across the Onondaga Indian reservation."

"An act to amend the act, chapter 778 of the Laws of 1871, reappropriating certain moneys for the construction of new work upon and extraordinary repairs of the canals of this State."

"An act granting to the West Shore Land and Improvement Company further powers."

By unanimous consent, Mr. G. D. Lord introduced a bill entitled "An act to authorize the city of Rochester to issue its bonds in aid of the Rochester, Nunda and Pennsylvania Railroad Company, and to take the bonds of that company therefor," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. G. D. Lord, and by unanimous consent, said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 5 }

Those who voted in the affirmative, were

|               |             |            |            |            |
|---------------|-------------|------------|------------|------------|
| Aitken        | Chambers    | A. Hill    | Mackay     | Snyder     |
| Alberger      | Cook        | Holdridge  | Marcy      | Speaker    |
| Alvord        | Crandall    | Hollister  | Moulton    | Springsted |
| D. L. Babcock | Davidson    | Houghton   | Niles      | Squires    |
| I. H. Babcock | Dykeman     | Hungerford | Oakley     | Strahan    |
| Badeau        | Eastman     | Jacobs     | Paige      | Swain      |
| Baltz         | Ford        | Judd       | Pierce     | D. Tomkins |
| Beckwith      | Fort        | Kennedy    | Preston    | Tucker     |
| Bennett       | Geib        | Kilian     | Ray        | Twombly    |
| Berri         | Goss        | Knapp      | Rice       | Vedder     |
| I. D. Brown   | Green       | Knetties   | Roche      | Wells      |
| Buckley       | Greenhalgh  | Lewis      | Rose       | Whitbeck   |
| Buell         | Gregory     | Lincoln    | Sage       | White      |
| Burns         | Griffin     | Lippitt    | Shepardson | Whitaker   |
| Burritt       | A. L. Hayes | G. D. Lord | Simson     | Wiley      |
| Campbell      | Healy       | Lott       | Smyth      | Woolsey    |
| Carroll       | Herrick     | Lynde      | Sniper     | Yeomans    |
| Chamberlain   |             |            |            |            |

Those who voted in the negative, were

|        |         |         |        |      |
|--------|---------|---------|--------|------|
| Abbott | Hawkins | Moseley | Mosher | Pell |
|--------|---------|---------|--------|------|

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

By unanimous consent, Mr. G. D. Lord introduced a bill entitled "An act empowering commissioners of certain municipal corporations to subscribe for bonds of the Rochester and State Line Railway Company in place of stock," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. G. D. Lord, and by unanimous consent, said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 7 }

Those who voted in the affirmative, were

|        |          |            |        |            |
|--------|----------|------------|--------|------------|
| Abbott | Cook     | Hollister  | Marcy  | Sniper     |
| Aitken | Crandall | Houghton   | Moore  | Speaker    |
| Alvord | Davidson | Hungerford | Mosher | Springsted |

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| I. H. Babcock | Dykeman     | Jacobs     | Murdock    | Squires         |
| Badeau        | Eastman     | Judd       | Niles      | Swain           |
| Beckwith      | Ford        | Kennedy    | Oakley     | D. Tomkins      |
| Bennett       | Fort        | Kilian     | Paige      | Twombly         |
| Berri         | Geib        | Knapp      | Pierce     | W. J. Van Dusen |
| I. D. Brown   | Goss        | Knettles   | Preston    | Vedder          |
| Buckley       | Green       | Lewis      | Ray        | Wells           |
| Buell         | Greenhalgh  | Lincoln    | Rice       | Whitbeck        |
| Burns         | Gregory     | Lippitt    | Roche      | White           |
| Burritt       | A. L. Hayes | G. D. Lord | Sage       | Wiley           |
| Carroll       | Herrick     | Lott       | Shepardson | Woolsey         |
| Chamberlain   | A. Hill     | Lynde      | Simson     | Wyman           |
| Chambers      | Holdridge   | Mackay     | Smyth      | Yeomans         |

Those who voted in the negative, were

|          |         |      |        |          |
|----------|---------|------|--------|----------|
| Alberger | Moseley | Rose | Tucker | Whitaker |
| Hawkins  | Pell    |      |        |          |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

By unanimous consent, Mr. Murdock introduced a bill entitled "An act to extend and define the limits of the village of Hornellsville," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

On motion of Mr. Bennett, and by unanimous consent,

*Resolved*, That Assembly bill No. 594, entitled "An act to provide for the improvement of Flushing avenue, in the city of Brooklyn," be recommitted to the committee on the affairs of cities.

By unanimous consent, Mr. Campbell introduced a bill entitled "An act authorizing the commissioners of public charities and correction in the city of New York to acquire title to portions of Ward's Island, and the water rights surrounding the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

On motion of Mr. Pell, and by unanimous consent,

*Resolved*, That the committee on the judiciary be discharged from the further consideration of the bill entitled "An act to incorporate the Society of Members of the New York Stock Exchange for Mutual Relief, in the city and county and State of New York, and that the same be referred to the committee on charitable and religious societies.

By unanimous consent,

Mr. Squires, from the committee on banks, to which was referred the bill entitled "An act to change the name of the Sixth Ward Savings Bank of the city of Albany," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Speaker presented the annual report of the Literary and Scientific Society of the German Apothecaries of the city of New York; which was laid on the table and ordered printed.

(See Doc. No. 114.)

A message was received from the Senate informing of their agreement to the report of the committee of conference on the resolution relative to printing copies of the Clerk's Manual, in words following:

The conference committee on the part of the Senate and Assembly, to which was referred the resolution of the Assembly, passed February 28, 1872, in the following words, to wit:



*Resolved* (if the Senate concur), That five hundred copies of the Clerk's Manual be printed under the direction of the clerk, with the amended joint and Assembly rules therein, for the use of the Assembly, at a price not exceeding one dollar per copy," and as amended by the Senate, March 6, 1872, as follows:

Strike out the words "five hundred," and insert in lieu thereof the words "one hundred and twenty-eight;" after the word "manual" insert the words "for the use of the Assembly, and thirty-three for the use of the Senate."

Strike out the words "for the use of the Assembly."

Report that they have adopted, in lieu thereof, the following, viz :

*Resolved*, That six hundred and fifty copies of the Clerk's Manual be printed under the direction of the clerks of the Senate and Assembly, with the amended joint and Assembly rules therein, five hundred for the use of the Aesembly and one hundred and fifty for the use of the Senate, at a price not exceeding one dollar per copy.

W. H. ROBERTSON,  
L. L. LEWIS,  
TOWNSEND D. COCK,  
*Senate Committee.*

JAMES W. HUSTED,  
GEO. C. BENNETT,  
AMOS V. SMILEY,  
M. M. TOMPKINS,  
GEO. H. MACKEY,  
*Assembly Committee.*

Mr. Jacobs moved that said report be laid on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The Senate returned the bill entitled "An act to authorize the Buffalo and Springville Railroad Company to change the terminus of their road," with a message that they had reconsidered the vote on the final passage of the bill, and as amended had passed the same.

*Ordered*, That the Clerk deliver said bill to the Governor.

A message was received from the Governor in words following :

EXECUTIVE CHAMBER, }  
ALBANY, *March 23, 1872.* }

*To the Assembly :*

In compliance with a concurrent resolution of the Senate and Assembly, of this date, I herewith respectfully return, for the purpose of amendment, Assembly bill No. 10, entitled "An act for the better prevention of the procurement of abortion and other like offenses, and to amend the laws relative thereto."

JOHN T. HOFFMAN.

Mr. Mackay moved that the vote on the final passage of said bill be reconsidered.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 90 }  
{ NOES 00 }

Those who voted in the affirmative, were

|          |             |            |         |            |
|----------|-------------|------------|---------|------------|
| Abbott   | Chamberlain | Holdridge  | Moore   | Snyder     |
| Aitken   | Chambers    | Hollister  | Moseley | Speaker    |
| Alberger | Cook        | Houghton   | Mosher  | Springsted |
| Alvord   | Crandall    | Hungerford | Moulton | Squires    |

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| D. L. Babcock | Davidson    | Hyatt      | Murdock    | Swain           |
| I. H. Babcock | Dykeman     | Jacobs     | Paige      | D. Tomkins      |
| Badeau        | Eastman     | Judd       | Pell       | Tucker          |
| Baltz         | Ford        | Kennedy    | Pierce     | Twombly         |
| Beckwith      | Fort        | Kilian     | Preston    | A. L. Van Dusen |
| Bennett       | Geib        | Knapp      | Ray        | W. J. Van Dusen |
| Berri         | Goring      | Knettles   | Rice       | Vedder          |
| I. D. Brown   | Green       | Lewis      | Roche      | Wells           |
| Buckley       | Greenhalgh  | Lincoln    | Rose       | White           |
| Buell         | Gregory     | Lippitt    | Sage       | Whitaker        |
| Burns         | Griffin     | G. D. Lord | Shepardson | Wiley           |
| Burritt       | Hawkins     | Lott       | Simson     | Woolsey         |
| Campbell      | A. L. Hayes | Mackay     | Smith      | Wymann          |
| Carroll       | A. Hill     | Marcy      | Sniper     | Yeomans         |

On motion of Mr. Mackay, and by unanimous consent, said bill was then amended by striking out all of section 1 down to and including the words "as follows," and inserting after the words "who shall" in same section, the word "hereafter."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Crandall    | Hollister  | Mosher     | Speaker         |
| Aitken        | Davidson    | Houghton   | Moulton    | Springsted      |
| Alberger      | Dykeman     | Hungerford | Murdock    | Squires         |
| Alvord        | Eastman     | Hyatt      | Niles      | Swain           |
| D. L. Babcock | Ford        | Kennedy    | Oakley     | D. Tomkins      |
| I. H. Babcock | Fort        | Kilian     | Paige      | Tucker          |
| Baltz         | Geib        | Knettles   | Preston    | Twombly         |
| Beckwith      | Goss        | Lewis      | Ray        | A. L. Van Dusen |
| Berri         | Green       | Lincoln    | Rice       | W. J. Van Dusen |
| Buckley       | Greenhalgh  | Lippitt    | Roche      | Vedder          |
| Buell         | Gregory     | G. D. Lord | Rose       | Wells           |
| Burns         | Griffin     | Lott       | Sage       | Whitbeck        |
| Burritt       | Hawkins     | Lynde      | Shepardson | White           |
| Carroll       | A. L. Hayes | Mackay     | Simson     | Whitaker        |
| Chamberlain   | Herrick     | Marcy      | Smith      | Wiley           |
| Chambers      | A. Hill     | Moore      | Smyth      | Woolsey         |
| Cook          | Holdridge   | Moseley    | Snyder     | Yeomans         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

The Senate returned the bill entitled "An act to amend an act entitled 'An act to authorize the village of Dunkirk to issue bonds for the purpose of supplying said village with water, and to create a board of water commissioners,' passed April 13, 1871," with a message that they had passed the same with the following amendments:

Insert as section 2:

"§ 2. Said board of water commissioners are hereby authorized, for the purpose of extending water-pipe throughout said village, to issue bonds in addition to those already issued, but not exceeding five thousand dollars in any one year; and to provide for the payment of principal and interest of the same in the same way as for the bonds issued by authority of said act of April 13, 1871."

Change section 2 to section 3.

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Couchman    | Holdridge  | Moulton    | Speaker         |
| Aitken        | Crandall    | Hollister  | Murdock    | Squires         |
| Alberger      | Davidson    | Houghton   | Oakley     | Swain           |
| Alvord        | Dykeman     | Hyatt      | Paige      | D. Tomkins      |
| D. L. Babcock | Eastman     | Judd       | Pierce     | Tucker          |
| I. H. Babcock | Ford        | Kennedy    | Preston    | Twombly         |
| Badeau        | Fort        | Kilian     | Ray        | A. L. Van Dusen |
| Berri         | Geib        | Knettles   | Rice       | Vedder          |
| Buckley       | Goss        | Lewis      | Roche      | Wells           |
| Buell         | Green       | Lincoln    | Rose       | Whitbeck        |
| Burns         | Greenhalgh  | Lippitt    | Sage       | White           |
| Burritt       | Gregory     | G. D. Lord | Shepardson | Whitaker        |
| Campbell      | Hawkins     | Lott       | Simson     | Wiley           |
| Carroll       | A. L. Hayes | Lynde      | Smith      | Woolsey         |
| Chamberlain   | Healy       | Mackay     | Smyth      | Wyman           |
| Chambers      | Herrick     | Moseley    | Snyder     | Yeomans         |
| Cook          | A. Hill     | Mosher     |            |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled as follows :

"An act to amend an act entitled 'An act in relation to stenographers in the circuit courts, courts of oyer and terminer, and special terms of the supreme court, in the sixth, seventh and eighth judicial districts, and to repeal chapter 41 of the Laws of 1867, and chapter 672 of the Laws of 1869.'"

*Ordered*, That the Clerk return said bill to the Senate.

The Senate returned the bill entitled "An act to regulate the ferries running from the foot of Tenth street and Twenty-third street, in the city of New York, across the East river to Green Point, in the city of Brooklyn," with a message that they had passed the same, with the following amendments :

Section 1, engrossed bill, line 8, strike out the word "twelve" and insert the word "fifteen."

Section 2, line 12, strike out the words "and every," and strike out entire lines 13 and 14, same section.

Add as section 14 the following :

"§ 14. Any deviation from the requirements aforesaid, caused by ice, wind, tide or unavoidable accidents, shall not be held to be a violation of such requirements and directions."

Change section 4 to section 5.

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.



{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Abbott        | Chamberlain | Herrick    | Mackay  | Speaker         |
| Aitken        | Chambers    | A. Hill    | Moore   | Squires         |
| Alberger      | Couchman    | Holdridge  | Moseley | Swain           |
| Alvord        | Crandall    | Hollister  | Mosher  | D. Tomkins      |
| D. L. Babcock | Davidson    | Hyatt      | Moulton | Twombly         |
| I. H. Babcock | Dykeman     | Judd       | Murdock | A. L. Van Dusen |
| Badeau        | Eastman     | Kennedy    | Pierce  | W. J. Van Dusen |
| Baltz         | Ford        | Kilian     | Preston | Vedder          |
| Beckwith      | Fort        | Knapp      | Ray     | Wells           |
| Berri         | Geib        | Knettles   | Rice    | Whitbeck        |
| I. D. Brown   | Goss        | Lewis      | Roche   | White           |
| Buckley       | Green       | Lincoln    | Rose    | Whitaker        |
| Buell         | Greenhalgh  | Lippitt    | Sage    | Wiley           |
| Burns         | Gregory     | G. D. Lord | Smith   | Woolsey         |
| Burritt       | Hawkins     | Lott       | Smyth   | Wyman           |
| Campbell      | A. L. Hayes | Lynde      | Snyder  | Yeomans         |
| Carroll       |             |            |         |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to authorize the extension of the time for the collection of taxes in the several towns and cities of this State," with a message that they had passed the same with the following amendments:

Section 1, line 6, engrossed bill, strike out the word "thirtieth" and insert the word "fifteenth."

Line 7, same section, strike out the word "March" and insert the word "April."

Line 24, same section, strike out the word "thirtieth" and insert the word "fifteenth."

Same line, strike out the word "March" and insert the word "April."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Abbott        | Chamberlain | Holdridge  | Moseley | Speaker         |
| Aitken        | Chambers    | Hollister  | Mosher  | Squires         |
| Alberger      | Couchman    | Houghton   | Moulton | Swain           |
| Alvord        | Crandall    | Hyatt      | Murdock | D. Tomkins      |
| D. L. Babcock | Davidson    | Judd       | Paige   | Twombly         |
| I. H. Babcock | Dykeman     | Kennedy    | Pierce  | A. L. Van Dusen |
| Baltz         | Eastman     | Kilian     | Preston | W. J. Van Dusen |
| Beckwith      | Ford        | Knapp      | Ray     | Vedder          |
| Bennett       | Fort        | Knettles   | Rice    | Wells           |
| Berri         | Geib        | Lewis      | Roche   | Whitbeck        |
| I. D. Brown   | Goss        | Lincoln    | Rose    | White           |
| Buckley       | Green       | Lippitt    | Sage    | Whitaker        |
| Buell         | Greenhalgh  | G. D. Lord | Simson  | Wiley           |
| Burns         | Gregory     | Lott       | Smith   | Woolsey         |
| Burritt       | Hawkins     | Mackay     | Smyth   | Wyman           |
| Campbell      | A. L. Hayes | Moore      | Snyder  | Yeomans         |
| Carroll       | A. Hill     |            |         |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

Pursuant to the 9th joint rule, Mr. Speaker announced the order of business of third reading of bills.

The bill entitled "An act to authorize the extending of certain streets in the city of Brooklyn to the East river and to the permanent bulk-head line, and to provide for the expenses thereof," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof.

{ AYES 49 }  
{ NOES 40 }

Those who voted in the affirmative, were

|               |            |          |         |                 |
|---------------|------------|----------|---------|-----------------|
| Alvord        | Dykeman    | Jacobs   | Moseley | Springsted      |
| D. L. Babcock | Ford       | Judd     | Moulton | Swain           |
| I. H. Babcock | Fort       | Kennedy  | Murdock | Twombly         |
| Badeau        | Geib       | Kilian   | Paige   | A. L. Van Dusen |
| Baltz         | Greenhalgh | Knettles | Preston | W. J. Van Dusen |
| Beckwith      | Gregory    | Lewis    | Rice    | Whitbeck        |
| Bennett       | Hawkins    | Lippitt  | Roche   | White           |
| Berri         | Holdridge  | Lott     | Simson  | Wyman           |
| Crandall      | Houghton   | Lynde    | Smith   | Yeomans         |
| Davidson      | Hyatt      | Moore    | Smyth   |                 |

Those who voted in the negative, were

|             |             |            |            |            |
|-------------|-------------|------------|------------|------------|
| Abbott      | Chamberlain | A. Hill    | Pierce     | Squires    |
| Aitken      | Chambers    | Hollister  | Ray        | D. Tomkins |
| Alberger    | Couchman    | Hungerford | Rose       | Tucker     |
| I. D. Brown | Goss        | Knapp      | Sage       | Vedder     |
| Buckley     | Green       | Lincoln    | Shepardson | Wells      |
| Buell       | Griffin     | G. D. Lord | Sniper     | Whitaker   |
| Burritt     | A. L. Hayes | Mackay     | Snyder     | Wiley      |
| Carroll     | Herrick     | Mosher     | Speaker    | Woolsey    |

Mr. Alvord moved to reconsider the vote by which said bill was lost, and that that motion lay on the table.

Mr. Speaker put the question whether the House would agree to said motion to lay on the table, and it was determined in the affirmative.

The bill entitled "An act to prevent and punish certain fraudulent practices," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |            |         |            |
|---------------|----------|------------|---------|------------|
| Abbott        | Chambers | Holdridge  | Moseley | Sniper     |
| Aitken        | Couchman | Hollister  | Mosher  | Speaker    |
| Alberger      | Crandall | Houghton   | Moulton | Springsted |
| Alvord        | Davidson | Hungerford | Murdock | Squires    |
| D. L. Babcock | Dykeman  | Jacobs     | Oakley  | Swain      |
| I. H. Babcock | Ford     | Judd       | Paige   | D. Tomkins |
| Badeau        | Fort     | Kennedy    | Pierce  | Tucker     |
| Baltz         | Geib     | Kilian     | Preston | Twombly    |

|             |             |          |        |                 |
|-------------|-------------|----------|--------|-----------------|
| Beckwith    | Goss        | Knapp    | Ray    | A. L. Van Dusen |
| Bennett     | Green       | Knetties | Rice   | W. J. Van Dusen |
| Berri       | Greenhalgh  | Lewis    | Roche  | Whitbeck        |
| I. D. Brown | Gregory     | Lincoln  | Rose   | White           |
| Buckley     | Griffin     | Lippitt  | Sage   | Whitaker        |
| Buell       | Hawkins     | Lott     | Simson | Wiley           |
| Burritt     | A. L. Hayes | Lynde    | Smith  | Woolsey         |
| Carroll     | Herrick     | Mackay   | Smyth  | Wyman           |
| Chamberlain | A. Hill     | Moore    |        |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to create a department of city works in the city of Brooklyn, and to abolish the permanent board of water and sewerage commissioners in said city," being announce for a third reading,

Mr. Berri moved that said bill be laid on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The bill entitled "An act in relation to the fire department of the city of Brooklyn, and to reorganize the same," being announced for a third reading,

Mr. Berri moved that said bill be laid on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The bill entitled "An act to amend an act entitled 'An act to reduce the number of town officers and county expenses, and to prevent abuses in auditing town and county accounts, passed May 10, 1845,' passed December 14, 1847," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 6 }

Those who voted in the affirmative, were

|               |            |             |         |                 |
|---------------|------------|-------------|---------|-----------------|
| Abbott        | Chambers   | A. L. Hayes | Lott    | Shepardson      |
| Aitken        | Cook       | Herrick     | Mackay  | Smyth           |
| Alberger      | Couchman   | A. Hill     | Marcy   | Sniper          |
| Alvord        | Crandall   | Hollister   | Moore   | Snyder          |
| D. L. Babcock | Davidson   | Houghton    | Moseley | Springsted      |
| I. H. Babcock | Dykeman    | Hungerford  | Moshier | Squires         |
| Badeau        | Eastman    | Jacobs      | Moulton | Swain           |
| Baltz         | Ford       | Judd        | Murdock | D. Tomkins      |
| Beckwith      | Fort       | Kennedy     | Niles   | Tucker          |
| Berri         | Geib       | Kilian      | Oakley  | W. J. Van Dusen |
| E. E. Brown   | Goss       | Knapp       | Paige   | Wells           |
| Buckley       | Green      | Knetties    | Pierce  | Whitbeck        |
| Buell         | Greenhalgh | Lewis       | Preston | White           |
| Burritt       | Gregory    | Lincoln     | Ray     | Whitaker        |
| Carroll       | Griffin    | Lippitt     | Rice    | Woolsey         |
| Chamberlain   | Hawkins    | G. D. Lord  | Sage    | Yeomans         |

Those who voted in the negative, were

|           |      |        |         |       |
|-----------|------|--------|---------|-------|
| Holdridge | Rose | Simson | Speaker | Wyman |
| Hyatt     |      |        |         |       |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.



The Senate bill entitled "An act to authorize corporations to hold and convey real estate, for business purposes, in other States, with the consent thereof," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Chambers   | A. Hill    | Mosher     | Speaker         |
| Aitken        | Cook       | Holdridge  | Moulton    | Springsted      |
| Alberger      | Couchman   | Hollister  | Murdock    | Squires         |
| Alvord        | Crandall   | Houghton   | Niles      | Swain           |
| D. L. Babcock | Davidson   | Hungerford | Oakley     | D. Tomkins      |
| I. H. Babcock | Dykeman    | Jacobs     | Paige      | Tucker          |
| Badeau        | Eastman    | Judd       | Pierce     | Twombly         |
| Baltz         | Ford       | Kennedy    | Preston    | A. L. Van Dusen |
| Beckwith      | Fort       | Kilian     | Ray        | W. J. Van Dusen |
| Bennett       | Geib       | Knapp      | Rose       | Wells           |
| Berri         | Goss       | Knettles   | Sage       | Whitbeck        |
| I. D. Brown   | Green      | Lewis      | Shepardson | White           |
| Buckley       | Greenhalgh | Lincoln    | Simson     | Whitaker        |
| Buell         | Gregory    | Lippitt    | Smith      | Woolsey         |
| Burritt       | Hawkins    | Lott       | Smyth      | Wyman           |
| Carroll       | Healy      | Mackay     | Sniper     | Yeomans         |
| Chamberlain   | Herrick    | Moore      | Snyder     |                 |

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to confirm and legalize the action of the board of supervisors of Cayuga county in relation to the number of superintendents of the poor of said county," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Cook       | Hollister  | Moulton    | Snyder          |
| Aitken        | Couchman   | Houghton   | Murdock    | Speaker         |
| Alberger      | Crandall   | Hungerford | Niles      | Springsted      |
| Alvord        | Davidson   | Hyatt      | Oakley     | Squires         |
| D. L. Babcock | Dykeman    | Judd       | Paige      | Swain           |
| I. H. Babcock | Eastman    | Kennedy    | Pell       | D. Tomkins      |
| Badeau        | Ford       | Kilian     | Pierce     | Tucker          |
| Baltz         | Fort       | Knapp      | Preston    | Twombly         |
| Beckwith      | Geib       | Knettles   | Ray        | A. L. Van Dusen |
| Bennett       | Goss       | Lewis      | Roche      | W. J. Van Dusen |
| Berri         | Green      | Lincoln    | Rose       | Wells           |
| I. D. Brown   | Greenhalgh | Lippitt    | Sage       | Whitbeck        |
| Buckley       | Gregory    | Lott       | Shepardson | White           |
| Buell         | Hawkins    | Mackay     | Simson     | Whitaker        |
| Burritt       | Herrick    | Marcy      | Smith      | Wiley           |
| Carroll       | A. Hill    | Moore      | Smyth      | Woolsey         |
| Chamberlain   | Holdridge  | Mosher     | Sniper     | Yeomans         |
| Chambers      |            |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to incorporate the Holy Sepulchre Cemetery in the city of Rochester," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Cook       | Hollister  | Moore      | Smyth           |
| Aitken        | Couchman   | Houghton   | Moseley    | Sniper          |
| Alvord        | Crandall   | Hungerford | Mosher     | Snyder          |
| D. L. Babcock | Davidson   | Hyatt      | Moulton    | Speaker         |
| I. H. Babcock | Dykeman    | Jacobs     | Murdock    | Springsted      |
| Badeau        | Ford       | Judd       | Niles      | Squires         |
| Baltz         | Fort       | Kennedy    | Oakley     | D. Tomkins      |
| Beckwith      | Geib       | Kilian     | Paige      | Tucker          |
| Bennett       | Goss       | Knapp      | Pierce     | A. L. Van Dusen |
| Berri         | Green      | Knettles   | Preston    | W. J. Van Dusen |
| I. D. Brown   | Greenhalgh | Lewis      | Ray        | Wells           |
| Buckley       | Gregory    | Lippitt    | Rice       | Whitbeck        |
| Buell         | Griffin    | G. D. Lord | Rose       | White           |
| Burritt       | Hawkins    | Lott       | Sage       | Whitaker        |
| Carroll       | Herrick    | Lynde      | Shepardson | Woolsey         |
| Chamberlain   | A. Hill    | Mackay     | Simson     | Yeomans         |
| Chambers      | Holdridge  | Marcy      | Smith      |                 |

For the negative.

Lincoln

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to appoint commissioners to make a survey of Richmond county, and certain maps therefrom, and to mature and report a plan for laying out Staten Island, and for securing a water supply for the inhabitants thereof," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |            |         |                 |
|---------------|----------|------------|---------|-----------------|
| Abbott        | Chambers | A. Hill    | Moulton | Snyder          |
| Aitken        | Cook     | Holdridge  | Murdock | Speaker         |
| Alberger      | Couchman | Hollister  | Niles   | Squires         |
| Alvord        | Crandall | Houghton   | Oakley  | Swain           |
| D. L. Babcock | Davidson | Hungerford | Paige   | D. Tomkins      |
| I. H. Babcock | Dykeman  | Hyatt      | Pell    | Tucker          |
| Badeau        | Ford     | Jacobs     | Pierce  | Twombly         |
| Baltz         | Fort     | Judd       | Preston | A. L. Van Dusen |
| Beckwith      | Geib     | Kennedy    | Ray     | W. J. Van Dusen |
| Bennett       | Goss     | Kilian     | Rice    | Wells           |
| Berri         | Green    | Knettles   | Rose    | Whitbeck        |

|             |            |         |            |          |
|-------------|------------|---------|------------|----------|
| I. D. Brown | Greenhalgh | Lewis   | Sage       | White    |
| Buckley     | Gregory    | Lincoln | Shepardson | Whitaker |
| Buell       | Griffin    | Lippitt | Simson     | Woolsey  |
| Burritt     | Hawkins    | Mackay  | Smith      | Wyman    |
| Carroll     | Healy      | Moore   | Sniper     | Yeomans  |
| Chamberlain | Herrick    | Mosher  |            |          |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the Brooklyn City Railroad Company to extend their road along Putnam and Nostrand avenues and Halsey street to Broadway, in the city of Brooklyn," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 78 }  
{ NOES 4 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Aitken        | Couchman   | Hollister  | Mosher     | Sniper          |
| Alberger      | Crandall   | Houghton   | Murdock    | Speaker         |
| Alvord        | Davidson   | Hungerford | Niles      | Springsted      |
| D. L. Babcock | Dykeman    | Hyatt      | Oakley     | Squires         |
| I. H. Babcock | Eastman    | Jacobs     | Paige      | Swain           |
| Badeau        | Ford       | Kilian     | Pell       | Tucker          |
| Baltz         | Fort       | Knapp      | Pierce     | W. J. Van Dusen |
| Beckwith      | Geib       | Knettles   | Preston    | Wells           |
| Bennett       | Goss       | Lewis      | Ray        | Whitbeck        |
| Berri         | Green      | Lincoln    | Rice       | White           |
| I. D. Brown   | Greenhalgh | Lippitt    | Rose       | Whitaker        |
| Buell         | Gregory    | G. D. Lord | Shepardson | Wiley           |
| Burritt       | Healy      | Lott       | Simson     | Woolsey         |
| Carroll       | Herrick    | Lynde      | Smith      | Wyman           |
| Chamberlain   | A. Hill    | Mackay     | Smyth      | Yeomans         |
| Chambers      | Holdridge  | Moore      |            |                 |

Those who voted in the negative, were

|        |         |         |      |
|--------|---------|---------|------|
| Abbott | Hawkins | Moulton | Sage |
|--------|---------|---------|------|

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to incorporate the Rochester Savings Bank Trust Company," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 73 }  
{ NOES 8 }

Those who voted in the affirmative, were

|               |             |             |          |            |
|---------------|-------------|-------------|----------|------------|
| Abbott        | Campbell    | Gregory     | Kilian   | Roche      |
| Aitken        | Carroll     | Griffin     | Knapp    | Shepardson |
| Alberger      | Chamberlain | Hawkins     | Knettles | Simson     |
| Alvord        | Chambers    | A. L. Hayes | Lewis    | Smith      |
| D. L. Babcock | Cook        | Healy       | Lincoln  | Smyth      |



|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| I. H. Babcock | Couchman   | Herrick    | Lippitt    | Sniper          |
| Badeau        | Crandall   | A. Hill    | G. D. Lord | Snyder          |
| Baltz         | Davidson   | Holdridge  | Lynde      | Springsted      |
| Beckwith      | Dykeman    | Hollister  | Moore      | Squires         |
| Bennett       | Ford       | Houghton   | Mosher     | Swain           |
| Berri         | Fort       | Hungerford | Moulton    | A. L. Van Dusen |
| I. D. Brown   | Geib       | Hyatt      | Murdock    | Whitbeck        |
| Buckley       | Goss       | Jacobs     | Oakley     | White           |
| Buell         | Green      | Judd       | Preston    | Woolsey         |
| Burritt       | Greenhalgh | Kennedy    |            |                 |

Those who voted in the negative, were

|        |         |          |       |         |
|--------|---------|----------|-------|---------|
| Mackay | Rose    | Tucker   | Wyman | Yeomans |
| Pell   | Speaker | Whitaker |       |         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act authorizing the construction of a bridge across the Hudson river at the city of Albany, and incorporating the 'Albany and Greenbush Bridge Company,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Chambers    | A. Hill    | Lynde      | Simson          |
| Aitken        | Couchman    | Holdridge  | Mackay     | Smith           |
| Alvord        | Crandall    | Hollister  | Moore      | Smyth           |
| D. L. Babcock | Davidson    | Houghton   | Moulton    | Sniper          |
| I. H. Babcock | Dykeman     | Hungerford | Murdock    | Snyder          |
| Badeau        | Ford        | Hyatt      | Niles      | Speaker         |
| Baltz         | Fort        | Judd       | Oakley     | Springsted      |
| Beckwith      | Geib        | Kennedy    | Paige      | Squires         |
| Bennett       | Goss        | Kilian     | Pierce     | Swain           |
| Berri         | Green       | Knapp      | Preston    | A. L. Van Dusen |
| I. D. Brown   | Greenhalgh  | Knettles   | Ray        | W. J. Van Dusen |
| Buckley       | Gregory     | Lewis      | Rice       | Wells           |
| Buell         | Hawkins     | Lincoln    | Roche      | Whitbeck        |
| Burritt       | A. L. Hayes | Lippitt    | Rose       | Whitaker        |
| Carroll       | Healy       | G. D. Lord | Sage       | Woolsey         |
| Chamberlain   | Herrick     | Lott       | Shepardson | Wyman           |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act for the further extension of Prospect park, in the city of Brooklyn,' passed April 24, 1868," being announced for a third reading,

On motion of Mr. Jacobs, said bill was recommitted to the committee on the affairs of cities, retaining its place on third reading of bills.

The bill entitled "An act for the relief of the devisees and heirs-at-law of Louis Planer and Josephine Planer, deceased," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 88 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Cook        | A. Hill    | Mackay     | Simson          |
| Aitken        | Couchman    | Holdridge  | Marcy      | Smith           |
| Alberger      | Crandall    | Hollister  | Moore      | Smyth           |
| Alvord        | Davidson    | Houghton   | Moseley    | Sniper          |
| D. L. Babcock | Dykeman     | Hungerford | Mosher     | Snyder          |
| I. H. Babcock | Ford        | Hyatt      | Moulton    | Speaker         |
| Badeau        | Fort        | Jacobs     | Murdock    | Springsted      |
| Baltz         | Geib        | Judd       | Oakley     | Swain           |
| Beckwith      | Goring      | Kennedy    | Paige      | Tucker          |
| Bennett       | Goss        | Kilian     | Pell       | A. L. Van Dusen |
| Berri         | Green       | Knapp      | Pierce     | W. J. Van Dusen |
| I. D. Brown   | Greenhalgh  | Knettles   | Preston    | Wells           |
| Buckley       | Gregory     | Lewis      | Ray        | Whitbeck        |
| Buell         | Griffin     | Lincoln    | Rice       | White           |
| Burritt       | Hawkins     | Lippitt    | Rose       | Whitaker        |
| Carroll       | A. L. Hayes | G. D. Lord | Sage       | Woolsey         |
| Chamberlain   | Healy       | Lott       | Shepardson | Wyman           |
| Chambers      | Herrick     | Lynde      |            |                 |

For the negative

Niles

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to prevent frauds in the sale of patent rights," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 70 }  
{ NOES 8 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Alvord        | Crandall    | Hollister  | Moore   | Shepardson      |
| I. H. Babcock | Davidson    | Houghton   | Mosher  | Smith           |
| Badeau        | Dykeman     | Jacobs     | Moulton | Smyth           |
| Baltz         | Ford        | Judd       | Murdock | Sniper          |
| Beckwith      | Geib        | Kennedy    | Niles   | Snyder          |
| Bennett       | Goss        | Kilian     | Oakley  | Speaker         |
| Berri         | Greenhalgh  | Knapp      | Paige   | Swain           |
| I. D. Brown   | Gregory     | Knettles   | Pell    | Tucker          |
| Burritt       | Griffin     | Lewis      | Pierce  | A. L. Van Dusen |
| Campbell      | Hawkins     | Lincoln    | Preston | W. J. Van Dusen |
| Carroll       | A. L. Hayes | G. D. Lord | Ray     | Wells           |
| Chambers      | Healy       | Lott       | Rice    | White           |
| Cook          | A. Hill     | Mackay     | Rose    | Whitaker        |
| Couchman      | Holdridge   | Marcy      | Sage    | Wyman           |

Those who voted in the negative, were

|         |       |         |       |         |
|---------|-------|---------|-------|---------|
| Abbott  | Fort  | Hyatt   | Lynde | Moseley |
| Buckley | Green | Lippitt |       |         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the construction of a bridge over Sing Sing kill, in the village of Sing Sing," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 76 }  
{ NOES 3 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Abbott        | Couchman    | Herrick    | Lott    | Roche           |
| Alberger      | Crandall    | A. Hill    | Mackay  | Shepardson      |
| Alvord        | Davidson    | Holdridge  | Marcy   | Simson          |
| D. L. Babcock | Dykeman     | Hollister  | Moore   | Smith           |
| I. H. Babcock | Ford        | Houghton   | Moseley | Smyth           |
| Badeau        | Fort        | Jacobs     | Mosher  | Snyder          |
| Baltz         | Geib        | Judd       | Moulton | Speaker         |
| Beckwith      | Goss        | Kennedy    | Murdock | Swain           |
| Bennett       | Green       | Kilian     | Niles   | Tucker          |
| Berri         | Greenhalgh  | Knapp      | Oakley  | A. L. Van Dusen |
| I. D. Brown   | Gregory     | Knettles   | Pell    | W. J. Van Dusen |
| Buckley       | Griffin     | Lewis      | Pierce  | Vedder          |
| Burritt       | Hawkins     | Lincoln    | Preston | Wells           |
| Campbell      | A. L. Hayes | Lippitt    | Ray     | White           |
| Carroll       | Healy       | G. D. Lord | Rice    | Wyman           |
| Cook          |             |            |         |                 |

Those who voted in the negative, were

Hyatt                      Rose                      Whitaker

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to provide for supplying the city of Hudson, Columbia county, New York, with pure and wholesome water," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Abbott        | Couchman    | Hollister  | Mackay  | Shepardson      |
| Alberger      | Crandall    | Houghton   | Marcy   | Simson          |
| Alvord        | Davidson    | Hungerford | Moore   | Smith           |
| D. L. Babcock | Dykeman     | Hyatt      | Moseley | Smyth           |
| I. H. Babcock | Ford        | Jacobs     | Mosher  | Sniper          |
| Badeau        | Fort        | Judd       | Moulton | Snyder          |
| Baltz         | Geib        | Kennedy    | Murdock | Speaker         |
| Beckwith      | Goss        | Kilian     | Niles   | Springsted      |
| Bennett       | Green       | Knapp      | Paige   | Swain           |
| Berri         | Greenhalgh  | Knettles   | Pell    | Tucker          |
| I. D. Brown   | Gregory     | Lewis      | Pierce  | A. L. Van Dusen |
| Buckley       | Griffin     | Lincoln    | Preston | W. J. Van Dusen |
| Burritt       | Hawkins     | Lippitt    | Ray     | Wells           |
| Campbell      | A. L. Hayes | G. D. Lord | Rice    | White           |
| Carroll       | Healy       | Lott       | Rose    | Whitaker        |
| Chambers      | Herrick     | Lynde      | Sage    | Wyman           |
| Cook          |             |            |         |                 |

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.



The bill entitled "An act to repeal chapter 100, Laws of 1858, entitled 'An act to construct a highway from the old State road, in Essex county, to the Port Kent and Hopkinton turnpike, in Franklin county,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Couchman    | Hollister  | Mackay     | Simson          |
| Alberger      | Crandall    | Houghton   | Marcy      | Smith           |
| Alvord        | Davidson    | Hungerford | Moore      | Smyth           |
| D. L. Babcock | Dykeman     | Hyatt      | Moseley    | Sniper          |
| I. H. Babcock | Ford        | Jacobs     | Moulton    | Snyder          |
| Badeau        | Fort        | Judd       | Murdock    | Speaker         |
| Baltz         | Geib        | Kennedy    | Niles      | Springsted      |
| Beckwith      | Goring      | Kilian     | Paige      | Swain           |
| Bennett       | Green       | Knapp      | Pell       | Tucker          |
| Berri         | Greenhalgh  | Knettles   | Pierce     | A. L. Van Dusen |
| I. D. Brown   | Gregory     | Lewis      | Preston    | W. J. Van Dusen |
| Buckley       | Griffin     | Lincoln    | Ray        | Wells           |
| Burritt       | Hawkins     | Lippitt    | Rice       | White           |
| Campbell      | A. L. Hayes | G. D. Lord | Rose       | Whitaker        |
| Carroll       | Healy       | Lott       | Sage       | Woolsey         |
| Chambers      | Herrick     | Lynde      | Shepardson | Wyman           |
| Cook          | Holdridge   |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to release the title and interest of the people of this State in certain real estate in the town of Frankfort, Herkimer county, to Owen Salisbury," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 90 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Cook        | A. Hill    | Marcy      | Simson          |
| Aitken        | Couchman    | Hollister  | Moore      | Smith           |
| Alberger      | Crandall    | Houghton   | Moseley    | Smyth           |
| Alvord        | Davidson    | Hungerford | Mosher     | Sniper          |
| D. L. Babcock | Dykeman     | Hyatt      | Moulton    | Snyder          |
| I. H. Babcock | Ford        | Jacobs     | Murdock    | Speaker         |
| Badeau        | Fort        | Judd       | Niles      | Springsted      |
| Baltz         | Geib        | Kennedy    | Oakley     | Swain           |
| Beckwith      | Goring      | Kilian     | Paige      | Twombly         |
| Bennett       | Goss        | Knapp      | Pell       | A. L. Van Dusen |
| Berri         | Green       | Knettles   | Pierce     | W. J. Van Dusen |
| I. D. Brown   | Greenhalgh  | Lewis      | Preston    | Wells           |
| Buckley       | Gregory     | Lincoln    | Ray        | Whitbeck        |
| Buell         | Griffin     | Lippitt    | Rice       | White           |
| Burritt       | Hawkins     | G. D. Lord | Roche      | Whitaker        |
| Campbell      | A. L. Hayes | Lott       | Rose       | Woolsey         |
| Carroll       | Healy       | Lynde      | Sage       | Wyman           |
| Chambers      | Herrick     | Mackay     | Shepardson | Yeomans         |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to amend chapter 92, Laws of 1869, entitled 'An act to provide for the compensation of members of the board of supervisors of the county of Oneida,' and to fix the place of the annual sessions thereof," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 76 }  
{ NOES 6 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Abbott        | Chambers    | Herrick    | Lynde   | Smith           |
| Aitken        | Cook        | A. Hill    | Mackay  | Smyth           |
| Alberger      | Couchman    | Hollister  | Marcy   | Sniper          |
| Alvord        | Crandall    | Houghton   | Moseley | Snyder          |
| D. L. Babcock | Davidson    | Husted     | Moulton | Speaker         |
| I. H. Babcock | Dykeman     | Hyatt      | Murdock | Springsted      |
| Badeau        | Ford        | Judd       | Niles   | Swain           |
| Baltz         | Fort        | Kennedy    | Oakley  | Twombly         |
| Beckwith      | Geib        | Kilian     | Paige   | W. J. Van Dusen |
| Bennett       | Goss        | Knapp      | Pierce  | Wells           |
| Berri         | Green       | Knettles   | Preston | Whitbeck        |
| I. D. Brown   | Greenhalgh  | Lewis      | Ray     | White           |
| Buckley       | Gregory     | Lincoln    | Rice    | Whitaker        |
| Burritt       | Hawkins     | G. D. Lord | Roche   | Woolsey         |
| Campbell      | A. L. Hayes | Lott       | Simson  | Yeomans         |
| Carroll       |             |            |         |                 |

Those who voted in the negative, were

|         |      |      |            |       |
|---------|------|------|------------|-------|
| Lippitt | Rose | Sage | Shepardson | Wyman |
| Pell    |      |      |            |       |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to legalize and confirm the official acts of Gaylord S. Graves, a justice of the peace of the town of Bainbridge, in the county of Chenango," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 82 }  
{ NOES 2 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Abbott        | Cook       | A. Hill    | Lynde   | Simson          |
| Aitken        | Couchman   | Hollister  | Mackay  | Smith           |
| Alberger      | Crandall   | Houghton   | Marcy   | Smyth           |
| Alvord        | Davidson   | Hungerford | Moore   | Sniper          |
| D. L. Babcock | Dykeman    | Hyatt      | Mosher  | Snyder          |
| I. H. Babcock | Ford       | Jacobs     | Moulton | Speaker         |
| Badeau        | Fort       | Judd       | Murdock | Springsted      |
| Baltz         | Geib       | Kennedy    | Niles   | Swain           |
| Beckwith      | Goss       | Kilian     | Paige   | M. M. Tompkins  |
| Bennett       | Green      | Knapp      | Pierce  | W. J. Van Dusen |
| Berri         | Greenhalgh | Knettles   | Preston | Vedder          |

|             |             |            |            |          |
|-------------|-------------|------------|------------|----------|
| I. D. Brown | Gregory     | Lewis      | Rice       | Wells    |
| Buckley     | Griffin     | Lincoln    | Roche      | Whitbeck |
| Burritt     | Hawkins     | Lippitt    | Rose       | White    |
| Campbell    | A. L. Hayes | G. D. Lord | Sage       | Whitaker |
| Carroll     | Healy       | Lott       | Shepardson | Woolsey  |
| Chambers    | Herrick     |            |            |          |

Those who voted in the negative, were

Pell Wyman

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to repeal chapter 776 of the Laws of 1868, entitled 'An act to vest certain real estate belonging to the State, in the town of Marlborough, Ulster county, and to establish a public highway,' passed May 9, 1868," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 75 }  
{ NOES 2 }

Those who voted in the affirmative, were

|               |             |             |         |                 |
|---------------|-------------|-------------|---------|-----------------|
| Abbott        | Chamberlain | Hawkins     | Lincoln | Rose            |
| Aitken        | Chambers    | A. L. Hayes | Lippitt | Shepardson      |
| Alberger      | Cook        | Healy       | Lott    | Simson          |
| Alvord        | Couchman    | Herrick     | Lynde   | Smith           |
| D. L. Babcock | Crandall    | A. Hill     | Mackay  | Sniper          |
| I. H. Babcock | Davidson    | Hollister   | Marcy   | Snyder          |
| Badeau        | Dykeman     | Houghton    | Moore   | Springsted      |
| Baltz         | Ford        | Hungerford  | Moulton | Tucker          |
| Beckwith      | Fort        | Hyatt       | Murdock | W. J. Van Dusen |
| Bennett       | Goring      | Jacobs      | Niles   | Wells           |
| Berri         | Goss        | Judd        | Pell    | White           |
| I. D. Brown   | Green       | Kennedy     | Pierce  | Whitaker        |
| Burritt       | Greenhalgh  | Kilian      | Preston | Woolsey         |
| Campbell      | Gregory     | Knapp       | Ray     | Wyman           |
| Carroll       | Griffin     | Knettles    | Rice    | Yeomans         |

Those who voted in the negative, were

Roche Speaker

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend the charter of the village of Perry, county of Wyoming," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |             |         |         |
|---------------|-------------|-------------|---------|---------|
| Abbott        | Chamberlain | A. L. Hayes | Mackay  | Smyth   |
| Aitken        | Chambers    | Healy       | Marcy   | Sniper  |
| Alberger      | Cook        | Herrick     | Moore   | Snyder  |
| Alvord        | Couchman    | A. Hill     | Moseley | Speaker |
| D. L. Babcock | Crandall    | Hollister   | Mosher  | Swain   |



|               |            |          |            |                 |
|---------------|------------|----------|------------|-----------------|
| I. H. Babcock | Davidson   | Houghton | Murdock    | Tucker          |
| Badeau        | Dykeman    | Hyatt    | Niles      | Twombly         |
| Baltz         | Ford       | Jacobs   | Pell       | W. J. Van Dusen |
| Beckwith      | Fort       | Judd     | Pierce     | Wells           |
| Bennett       | Geib       | Kennedy  | Preston    | Whitbeck        |
| Blair         | Goring     | Kilian   | Ray        | White           |
| I. D. Brown   | Goss       | Knettles | Rice       | Whitaker        |
| Buckley       | Green      | Lewis    | Rose       | Wiley           |
| Buell         | Greenhalgh | Lincoln  | Shepardson | Woolsey         |
| Burritt       | Gregory    | Lippitt  | Simson     | Wyman           |
| Campbell      | Griffin    | Lott     | Smiley     | Yeomans         |
| Carroll       | Hawkins    | Lynde    | Smith      |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to release and convey the interest of the people of the State of New York in certain real estate in the city of Utica, of which Owen J. Owens died possessed, to Owen Griffiths, his nephew," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 91 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Cook        | A. Hill    | Marcy      | Smith           |
| Aitken        | Couchman    | Hollister  | Moore      | Smyth           |
| Alberger      | Crandall    | Houghton   | Moseley    | Sniper          |
| Alvord        | Davidson    | Hungerford | Mosher     | Snyder          |
| D. L. Babcock | Dykeman     | Hyatt      | Moulton    | Speaker         |
| I. H. Babcock | Ford        | Jacobs     | Murdock    | Springsted      |
| Badeau        | Fort        | Judd       | Niles      | Swain           |
| Baltz         | Geib        | Kennedy    | Paige      | Tucker          |
| Beckwith      | Goring      | Kilian     | Pell       | Twombly         |
| Bennett       | Goss        | Knapp      | Pierce     | A. L. Van Dusen |
| Berri         | Green       | Knettles   | Preston    | Vedder          |
| I. D. Brown   | Greenhalgh  | Lewis      | Ray        | Wells           |
| Buckley       | Gregory     | Lincoln    | Rice       | Whitbeck        |
| Buell         | Griffin     | Lippitt    | Rose       | White           |
| Burritt       | Hawkins     | G. D. Lord | Sage       | Whitaker        |
| Campbell      | A. L. Hayes | Lott       | Shepardson | Woolsey         |
| Carroll       | Healy       | Lynde      | Simson     | Wyman           |
| Chamberlain   | Herrick     | Mackay     | Smiley     | Yeomans         |
| Chambers      |             |            |            |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to provide for re-opening West avenue in Long Island City, Queens county," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 76 }  
{ NOES 8 }

Those who voted in the affirmative, were

|          |             |           |         |        |
|----------|-------------|-----------|---------|--------|
| Abbott   | Carroll     | Herrick   | Mosher  | Smith  |
| Aitken   | Chamberlain | A. Hill   | Moulton | Smyth  |
| Alberger | Chambers    | Hollister | Murdock | Sniper |

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alvord        | Cook        | Houghton   | Oakley     | Snyder          |
| D. L. Babcock | Couchman    | Hungerford | Paige      | Springsted      |
| I. H. Babcock | Crandall    | Judd       | Pierce     | Tucker          |
| Badeau        | Dykeman     | Kennedy    | Preston    | Twombly         |
| Baltz         | Fort        | Kilian     | Ray        | A. L. Van Dusen |
| Beckwith      | Geib        | Knetties   | Rice       | Vedder          |
| Bennett       | Green       | Lewis      | Roché      | Whitbeck        |
| Berri         | Greenhalgh  | Lincoln    | Rose       | White           |
| I. D. Brown   | Gregory     | Lippitt    | Sage       | Whitaker        |
| Buckley       | Griffin     | G. D. Lord | Shepardson | Wiley           |
| Buell         | A. L. Hayes | Lott       | Simson     | Wyman           |
| Burritt       | Healy       | Lynde      | Smiley     | Yeomans         |
| Campbell      |             |            |            |                 |

Those who voted in the negative, were

|          |        |       |      |         |
|----------|--------|-------|------|---------|
| Davidson | Hyatt  | Marcy | Pell | Speaker |
| Hawkins  | Mackay | Niles |      |         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to repeal chapter 928 of the Laws of 1871, entitled 'An act in relation to the laying out, opening and constructing of a public highway in the town of Hempstead, Queens county,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

} AYES 87 }  
 } NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Cook        | Houghton   | Moore      | Smyth           |
| Aitken        | Couchman    | Hungerford | Moseley    | Sniper          |
| Alberger      | Crandall    | Hyatt      | Mosher     | Snyder          |
| Alvord        | Davidson    | Jacobs     | Moulton    | Speaker         |
| D. L. Babcock | Dykeman     | Judd       | Murdock    | Springsted      |
| I. H. Babcock | Fort        | Kennedy    | Oakley     | Swain           |
| Badeau        | Geib        | Kilian     | Paige      | Tucker          |
| Baltz         | Goss        | Knapp      | Pell       | A. L. Van Dusen |
| Beckwith      | Green       | Knetties   | Pierce     | Vedder          |
| Bennett       | Greenhalgh  | Lewis      | Preston    | Wells           |
| Berri         | Gregory     | Lincoln    | Ray        | Whitbeck        |
| I. D. Brown   | Griffin     | Lippitt    | Rose       | White           |
| Buell         | Hawkins     | G. D. Lord | Sage       | Whitaker        |
| Burritt       | A. L. Hayes | Lott       | Shepardson | Wiley           |
| Campbell      | Healy       | Lynde      | Simson     | Woolsey         |
| Carroll       | Herrick     | Mackay     | Smiley     | Wyman           |
| Chamberlain   | A. Hill     | Marcy      | Smith      | Yeomans         |
| Chambers      | Hollister   |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 534 of the Laws of 1871, entitled 'An act relative to the improvement of certain portions of the counties of Westchester and New York,' including provisions for communication between said counties, and for improving the navigation of Harlem river and Spuyten Duyvil creek," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a

majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Cook       | Hollister  | Moore      | Smith           |
| Alberger      | Couchman   | Houghton   | Moseley    | Snyder          |
| Alvord        | Crandall   | Hungerford | Mosher     | Speaker         |
| D. L. Babcock | Davidson   | Hyatt      | Moulton    | Springsted      |
| I. H. Babcock | Dykeman    | Jacobs     | Murdock    | Squires         |
| Badeau        | Ford       | Judd       | Oakley     | Swain           |
| Baltz         | Fort       | Kennedy    | Paige      | Tucker          |
| Beckwith      | Geib       | Kilian     | Pell       | Twombly         |
| Bennett       | Goring     | Knapp      | Preston    | A. L. Van Dusen |
| Berri         | Goss       | Knettles   | Ray        | Vedder          |
| I. D. Brown   | Green      | Lewis      | Rice       | Wells           |
| Buell         | Greenhalgh | Lincoln    | Roche      | Whitbeck        |
| Burritt       | Gregory    | Lippitt    | Rose       | White           |
| Campbell      | Griffin    | Lott       | Sage       | Whitaker        |
| Carroll       | Hawkins    | Lynde      | Shepardson | Woolsey         |
| Chamberlain   | Healy      | Mackay     | Simson     | Wyman           |
| Chambers      | A. Hill    | Marcy      | Smiley     | Yeomans         |

For the negative

Aitken

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to establish a special road district in Franklin county, and appropriate certain non-resident taxes for the construction and repairing of roads in the same," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Abbott        | Chambers    | A. Hill    | Marcy   | Smith           |
| Aitken        | Cook        | Hollister  | Moore   | Smyth           |
| Alberger      | Couchman    | Houghton   | Moseley | Sniper          |
| Alvord        | Crandall    | Hungerford | Mosher  | Speaker         |
| D. L. Babcock | Davidson    | Jacobs     | Moulton | Springsted      |
| I. H. Babcock | Dykeman     | Judd       | Murdock | Squires         |
| Badeau        | Ford        | Kennedy    | Oakley  | Tucker          |
| Baltz         | Fort        | Kilian     | Paige   | Twombly         |
| Beckwith      | Geib        | Knapp      | Pell    | A. L. Van Dusen |
| Bennett       | Goss        | Knettles   | Pierce  | Vedder          |
| Berri         | Green       | Lewis      | Preston | Wells           |
| I. D. Brown   | Greenhalgh  | Lincoln    | Ray     | Whitbeck        |
| Buckley       | Gregory     | Lippitt    | Rice    | White           |
| Buell         | Griffin     | G. D. Lord | Roche   | Whitaker        |
| Burritt       | Hawkins     | Lott       | Rose    | Woolsey         |
| Campbell      | A. L. Hayes | Lynde      | Simson  | Wyman           |
| Carroll       | Healy       | Mackay     | Smiley  | Yeomans         |
| Chamberlain   | Herrick     |            |         |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.



The bill entitled "An act to amend an act entitled 'An act to enable the several highway districts in the town of Greenburgh, Westchester county, west of or through which the highway known as the late Highland turnpike runs, to macadamize and otherwise improve the public highways within their respective district,' passed April 22, 1867," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Cook        | Herrick    | Marcy      | Smyth           |
| Aitken        | Couchman    | A. Hill    | Moore      | Sniper          |
| Alberger      | Crandall    | Holdridge  | Moseley    | Snyder          |
| Alvord        | Davidson    | Hollister  | Mosher     | Speaker         |
| D. L. Babcock | Dykeman     | Houghton   | Moulton    | Springsted      |
| I. H. Babcock | Ford        | Hungerford | Murdock    | Tucker          |
| Badeau        | Fort        | Hyatt      | Paige      | Twombly         |
| Baltz         | Geib        | Jacobs     | Pell       | A. L. Van Dusen |
| Beckwith      | Goring      | Judd       | Pierce     | W. J. Van Dusen |
| Bennett       | Goss        | Kennedy    | Preston    | Vedder          |
| I. D. Brown   | Green       | Kilian     | Ray        | Wells           |
| Buckley       | Greenhalgh  | Knettles   | Rice       | Whitbeck        |
| Buell         | Gregory     | Lewis      | Rose       | White           |
| Burritt       | Griffin     | Lincoln    | Shepardson | Whitaker        |
| Campbell      | Hawkins     | Lott       | Simson     | Woolsey         |
| Carroll       | A. L. Hayes | Lynde      | Smiley     | Wyman           |
| Chamberlain   | Healy       | Mackay     | Smith      | Yeomans         |
| Chambers      |             |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

On motion of Mr. Prince, and by unanimous consent,

*Resolved*, That the judiciary committee be authorized to have the testimony taken by them in the judicial investigation in the city of New York, together with the accompanying exhibits (other than that now in the hands of the State printer), printed in the same style as other Assembly documents, under the direction of said committee; and that 1,000 copies of such document be printed for the use of the Legislature.

A message was received from the Governor in the words following :

EXECUTIVE CHAMBER,  
ALBANY, *March 26, 1872.* }

*To the Legislature :*

I respectfully submit the annual report of the Commissary-General and Chief of Ordnance.

JOHN T. HOFFMAN.

*Ordered*, That said report be laid on the table and printed.

(See Doc. No. 113.)

Mr. Niles moved to reconsider the vote by which the bill entitled "An act to amend chapter 534 of the Laws of 1871, entitled 'An act relative to the improvement of certain portions of the counties of Westchester and New York, including provisions for communication between said counties, and for improving the navigation of Harlem river and

Spuyten Duyvil creek," was passed, and that that motion lay on the table.

Mr Speaker put the question whether the House would agree to said motion to lay on the table, and it was determined in the affirmative.

A message from the Senate was received and read, requesting concurrence in the passage of the bills entitled as follows.

"An act to authorize the Metropolitan Company to construct and operate certain railroads in the city of New York, and to construct and use for railroad purposes two bridges across the Harlem river," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act supplemental to and amendatory of chapter 842 of the Laws of 1868, an act entitled 'An act to provide for the transmission of letters, packages and merchandise in the cities of New York and Brooklyn, and across the North and East rivers, by means of pneumatic tubes, to be constructed beneath the surface of the streets, squares, avenues and public places in said cities, and under the waters of said rivers,' passed June 1, 1868; and of chapter 512 of the Laws of 1869, entitled 'An act supplementary to chapter 842 of the Laws of 1868, in relation to carrying letters, packages and merchandise, by means of pneumatic tubes, in New York and Brooklyn, and to provide for the transportation of passengers in said tubes,' " which was read the first time, and by unanimous consent was also read the second time.

Mr. Mosely moved that said bill, as passed by the Senate, be printed and referred to the committee of the whole, and be made a special order for Thursday next, immediately after the consideration of the special order previously ordered.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Rose presented the report of the sub-committee of the whole; which was laid on the table and ordered printed.

(See Doc. No. 112.)

By unanimous consent,

Mr. Judd, from the committee on commerce and navigation, to which was referred the bill entitled "An act for the repeal of that portion of the act passed April 28, 1870, which relates to the lease of the Marine Hospital property," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent, Mr. Moulton presented the petition of the trustees of the German American School Society of the nineteenth ward of the city of New York, and other citizens, tax-payers of said ward, for an appropriation in aid and support of said school; which was read and referred to the committee on ways and means.

Mr. Judd moved that the House now take a recess until 7½ o'clock.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

At 2 o'clock the House took a recess until 7½ o'clock.

## HALF-PAST SEVEN O'CLOCK P. M.

The House again met.

Mr. A. L. Van Dusen, from the committee on engrossed bills, reported as correctly re-engrossed the bills (amended in Senate March 21) entitled as follows:

"An act to regulate the ferries running from the foot of Tenth street and Twenty-eighth street, in the city of New York, across the East river to Green Point, in the city of Brooklyn."

"An act to amend an act entitled 'An act to authorize the village of Dunkirk to issue bonds for the purpose of supplying said village with water, and to create a board of water commissioners,' passed April 13, 1871."

A message was received from the Governor, in the words following, to wit:

EXECUTIVE CHAMBER,  
ALBANY, March 26, 1872. }

*To the Assembly:*

In compliance with a joint resolution of the Senate and Assembly, I return herewith, for amendment, Assembly bill No. 101, entitled "An act to extend the time for organizing the Niagara Water-works Company."

JOHN T. HOFFMAN.

After the reading of which, Mr. Moseley called for a call of the roll, when the following gentlemen answered to their names:

|             |            |           |         |                 |
|-------------|------------|-----------|---------|-----------------|
| Abbott      | Davidson   | Jacobs    | Mosher  | Sniper          |
| Aitken      | Dykeman    | Judd      | Moulton | Speaker         |
| Alberger    | Fields     | Kennedy   | Murdock | Tobey           |
| Alvord      | Foley      | Kingsland | Pell    | M. M. Tompkins  |
| Badeau      | Ford       | Knapp     | Pierce  | Tucker          |
| Baltz       | Green      | Lewis     | Preston | A. L. Van Dusen |
| Beckwith    | Griffin    | Lincoln   | Ray     | W. J. Van Dusen |
| Bennett     | Hawkins    | Loughran  | Roche   | Vedder          |
| Blair       | D. B. Hill | Lynde     | Rose    | Wells           |
| E. E. Brown | Holdridge  | Mackay    | Sage    | White           |
| I. D. Brown | Houghton   | Marcy     | Simson  | Whitaker        |
| Burritt     | Hungerford | Moore     | Smiley  | Woolsey         |
| Chambers    | Husted     | Moseley   | Smyth   | Yeomans         |
| Cook        |            |           |         |                 |

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By unanimous consent, Mr. Judd introduced a bill entitled "An act to provide for the appointment of the captains of the port and harbor masters of the port of New York, and to define and regulate their powers, duties and compensation," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Alvord then moved a call of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker then ordered the doors to be closed.

After the execution of such order by the officers,

Mr. Speaker then ordered the roll of members to be called, whereupon the following gentlemen answered to their names:

|          |          |        |         |            |
|----------|----------|--------|---------|------------|
| Abbott   | Davidson | Husted | Moulton | Speaker    |
| Aitken   | Dykeman  | Jacobs | Murdock | Springsted |
| Alberger | Fields   | Judd   | Paige   | Swain      |



|               |            |           |         |                 |
|---------------|------------|-----------|---------|-----------------|
| Alvord        | Flammer    | Kennedy   | Pell    | Tobey           |
| D. L. Babcock | Foley      | Kilian    | Pierce  | M. M. Tompkins  |
| Badeau        | Ford       | Kingsland | Preston | Tucker          |
| Baltz         | Geib       | Knapp     | Ray     | A. L. Van Dusen |
| Beckwith      | Green      | Lewis     | Roche   | W. J. Van Dusen |
| Bennett       | Greenhalgh | Lincoln   | Rose    | Vedder          |
| Blair         | Griffin    | Lynde     | Sage    | Wells           |
| E. E. Brown   | Hawkins    | Mackay    | Simson  | White           |
| I. D. Brown   | D. B. Hill | Marcy     | Smiley  | Whitaker        |
| Burritt       | Holdridge  | Moore     | Smyth   | Woolsey         |
| Chambers      | Houghton   | Moseley   | Sniper  | Yeomans         |
| Cook          | Hungerford | Mosher    |         |                 |

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The following gentlemen were absent on leave, viz.: Messrs. Enos, Hart, J. Hayes, G. P. Lord, Peck, West.

The Clerk then announced the following gentlemen absent without leave:

|               |          |             |            |            |
|---------------|----------|-------------|------------|------------|
| I. H. Babcock | Crandall | Haughton    | G. D. Lord | Smith      |
| Bemus         | Dunphy   | A. L. Hayes | Lott       | Snyder     |
| Berri         | Eastman  | Healy       | Loughran   | Squires    |
| Buckley       | Fort     | Herrick     | Morton     | D. Tomkins |
| Buell         | Fowler   | A. Hill     | Niles      | Twombly    |
| Burns         | Goring   | Hollister   | Oakley     | Whitbeck   |
| Campbell      | Goss     | Hyatt       | Osgood     | Wiley      |
| Carroll       | Gregory  | Knettles    | Rice       | Woodward   |
| Chamberlain   | Haight   | Lippitt     | Shepardson | Wyman      |
| Couchman      |          |             |            |            |

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Mr. Jacobs then moved that the gentlemen absent without leave, as shown by the list, be declared in contempt.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Alvord then moved that the sergeant-at-arms take into custody and bring to the bar of the House such of its members as are now absent without the leave of the House.

Mr. Speaker then put the question whether the House would agree to said motion, and it was determined in the affirmative.

The sergeant-at-arms appeared, having in custody Mr. A. Hill.

After rendering his excuse,

Mr. Rose moved that he be purged of his contempt.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The sergeant-at-arms appeared, having in custody Mr. Wyman.

After rendering his excuse,

On motion of Mr. Fields, he was purged of his contempt.

The sergeant-at-arms appeared, having in custody Mr. Fort.

After rendering his excuse,

On motion of Mr. Alberger, he was purged of his contempt.

The sergeant-at-arms appeared, having in custody Mr. Herrick.

After rendering his excuse,

On motion of Mr. Rose, he was purged of his contempt.

The sergeant-at-arms appeared, having in custody Mr. Hyatt.

After rendering his excuse,

On motion of Mr. Jacobs, he was purged of his contempt.

The sergeant-at-arms appeared, having in custody Mr. Berri.

After rendering his excuse,

On motion of Mr. Aitken, he was purged of his contempt.

The sergeant-at-arms appeared, having in custody Mr. Lippitt.

After rendering his excuse,  
On motion of Mr. Lincoln, he was purged of his contempt.  
The sergeant-at-arms appeared, having in custody Mr. Haight.

After rendering his excuse,  
On motion of Mr. Foley, he was purged of his contempt.  
The sergeant-at-arms appeared, having in custody Mr. Rice.

After rendering his excuse,  
On motion Mr. Wells, he was purged of his contempt.  
The sergeant-at-arms appeared, having in custody Mr. Eastman.

After rendering his excuse,  
On motion of Mr. I. D. Brown, he was purged of his contempt.  
The sergeant-at-arms appeared, having in custody Mr. Goss.

After rendering his excuse,  
Mr. Alvord moved that he be fined one day's pay.

Mr. D. B. Hill moved to amend by striking out all after the word  
"be" and insert in lieu thereof the words "purged of his contempt."

Mr. Speaker put the question whether the House would agree to said  
motion to amend, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to  
said motion as amended, and it was determined in the affirmative.

The sergeant-at-arms appeared, having in custody Mr. Hollister.

After rendering his excuse,  
On motion of Mr. Fort, he was purged of his contempt.  
The sergeant-at-arms appeared, having in custody Mr. Morton.

After rendering his excuse,  
On motion of Mr. Judd, he was purged of his contempt.  
The sergeant-at-arms appeared, having in custody Mr. Oakley.

After rendering his excuse,  
On motion of Mr. Rose, he was purged of his contempt.  
Mr. Moseley moved that all further proceedings under the call be  
suspended.

Mr. Speaker put the question whether the House would agree to said  
motion, and it was determined in the negative.

The sergeant-at-arms appeared, having in custody Mr. Healey.

After rendering his excuse,  
On motion of Mr. Ray, he was purged of his contempt.  
The sergeant-at-arms appeared, having in custody Mr. Wiley.

After rendering his excuse,  
On motion of Mr. Baltz, he was purged of his contempt.  
The sergeant-at-arms appeared, having in custody Mr. Chamberlain.

After rendering his excuse,  
Mr. Woolsey moved that he be purged of his contempt.

Mr. Alvord moved to amend by striking out all after the word "be"  
and inserting the words "fined ten dollars."

Mr. Speaker put the question whether the House would agree to said  
motion to amend, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to  
said motion of Mr. Woolsey, and it was determined in the affirmative.

The sergeant-at-arms appeared, having in custody Mr. Twombly.

After rendering his excuse,  
On motion of Mr. Fields, he was purged of his contempt.  
The sergeant-at-arms appeared, having in custody Mr. Campbell.

After rendering his excuse,  
Mr. Alvord moved that he be fined fifty dollars.

Mr. Husted moved to amend by striking out all after the word "be" and inserting the words "purged of his contempt."

Mr. Speaker put the question whether the House would agree to said motion to amend, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion as amended, and it was determined in the affirmative.

The sergeant-at-arms appeared, having in custody Mr. Lott.

After rendering his excuse,

On motion of Mr. Wells, he was purged of his contempt.

The sergeant-at-arms appeared, having in custody Mr. Knettles.

After rendering his excuse,

On motion of Mr. Fort he was purged of his contempt.

The sergeant-at-arms appeared, having in custody Mr. Niles.

After rendering his excuse,

Mr. Flammer moved that he be purged of his contempt.

Mr. Alvord moved to amend said motion by striking out all after the word "be," and inserting in lieu thereof the words "incarcerated in the Albany county jail for ten days."

Mr. D. B. Hill moved to amend by striking out the word "ten," and inserting in lieu thereof the word "five."

Mr. Speaker put the question whether the House would agree to said motion of Mr. D. B. Hill, and it was determined in the negative.

Mr. Foley then moved to amend by striking out all after the word "be," and inserting in lieu thereof the words "fined \$10."

Mr. Speaker put the question whether the House would agree to said motion of Mr. Foley, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the motion of Mr. Alvord, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Flammer, and it was determined in the affirmative.

The sergeant-at-arms appeared, having in custody Mr. Whitbeck.

After rendering his excuse,

On motion of Mr. Kingsland, he was purged of his contempt.

The sergeant-at-arms appeared, having in custody Mr. Smith.

After rendering his excuse,

On motion of Mr. Rose he was purged of his contempt.

The sergeant-at-arms appeared, having in custody Mr. Loughran.

After rendering his excuse,

Mr. Woolsey moved that he be purged of his contempt.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The sergeant-at-arms appeared, having in custody Mr. Buckley.

After rendering his excuse,

Mr. Fields moved that he be purged of contempt.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The sergeant-at-arms appeared, having in custody Mr. Carroll.

After rendering his excuse,

Mr. Alvord moved that he be incarcerated in the Albany county jail for fifteen days.

Mr. Vedder moved to amend by striking out all after the word "be" and insert in lieu thereof the words "purged of contempt."

Mr. Speaker put the question whether the House would agree to said motion to amend, and it was determined in the affirmative.



Mr. Speaker then put the question whether the House would agree to said motion as amended, and it was determined in the affirmative.

The sergeant-at-arms appeared, having in custody Mr. Goring.

After rendering his excuse,

Mr. A. Hill moved that he be purged of contempt.

Mr. Loughran moved to amend by striking out all after the word "be" and insert in lieu thereof the words "reprimanded by the Speaker."

Mr. Speaker put the question whether the House would agree to said motion to amend, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. A. Hill, and it was determined in the affirmative.

The sergeant-at-arms appeared, having in custody Mr. I. H. Babcock.

After rendering his excuse,

Mr. Fields moved that he be punished by incarceration in the Albany county jail for five days.

Mr. Mackay moved to amend by striking out all after the word "jail" and insert the words "for Saturday, Sunday and Monday next."

Mr. Vedder moved to amend by striking out all after the word "be" and insert the words "purged of contempt."

Mr. Speaker put the question whether the House would agree to said motion of Mr. Vedder, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the original motion, as amended, and it was determined in the affirmative.

Mr. Rose moved that all further proceeding under the call be suspended, and that those members still absent without leave be debarred from taking any part in the proceedings of this House until they shall be purged of contempt.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

The sergeant-at-arms appeared, having in custody Mr. Shepardson.

On motion of Mr. Fort, he was purged of his contempt.

Mr. Alvord moved that all further proceedings under the call be suspended, and that those members still absent without leave be debarred from taking any part in the proceedings of the House until they have appeared before the bar and been purged of their contempt.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

{ AYES 57 }  
{ NOES 46 }

#### Those who voted in the affirmative, were

|               |          |            |         |                 |
|---------------|----------|------------|---------|-----------------|
| Abbott        | Burritt  | Greenhalgh | Lynde   | Smyth           |
| Alberger      | Campbell | Griffin    | Mackay  | Sniper          |
| Alvord        | Cook     | D. B. Hill | Moore   | Speaker         |
| D. L. Babcock | Dykeman  | Holdridge  | Moseley | Springsted      |
| I. H. Babcock | Eastman  | Houghton   | Moulton | Swain           |
| Baltz         | Fields   | Judd       | Murdock | Tobey           |
| Beckwith      | Flammer  | Kennedy    | Paige   | Tucker          |
| Bennett       | Foley    | Kilian     | Preston | A. L. Van Dusen |
| Berri         | Ford     | Knapp      | Ray     | W. J. Van Dusen |
| Blair         | Fort     | Lewis      | Rose    | Vedder          |
| I. D. Brown   | Geib     | Lott       | Simson  | Wells           |
| Buckley       | Green    |            |         |                 |

#### Those who voted in the negative, were

|        |         |           |        |                |
|--------|---------|-----------|--------|----------------|
| Aitken | Hawkins | Kingsland | Oakley | M. M. Tompkins |
| Badeau | Healy   | Knettles  | Pell   | Twombly        |

|             |            |          |            |          |
|-------------|------------|----------|------------|----------|
| E. E. Brown | Herrick    | Lincoln  | Pierce     | Whitbeck |
| Carroll     | A. Hill    | Lippitt  | Rice       | White    |
| Chamberlain | Hollister  | Loughran | Roche      | Whitaker |
| Chambers    | Hungerford | Marcy    | Sage       | Wiley    |
| Davidson    | Husted     | Morton   | Shepardson | Woolsey  |
| Goring      | Hyatt      | Mosher   | Smiley     | Wyman    |
| Goss        | Jacobs     | Niles    | Smith      | Yeomans  |
| Haight      |            |          |            |          |

Mr. Speaker then ordered the doors to be opened.

Mr. D. B. Hill then moved that the House now adjourn.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

{ AYES 59 }  
{ NOES 43 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Burritt    | Griffin    | Moulton    | Speaker         |
| Aitken        | Campbell   | Haight     | Paige      | Swain           |
| Alberger      | Chambers   | Herrick    | Pierce     | Tobey           |
| Alvord        | Cook       | A. Hill    | Preston    | M. M. Tompkins  |
| D. L. Babcock | Davidson   | D. B. Hill | Ray        | Tucker          |
| Badeau        | Dykeman    | Holdridge  | Roche      | A. L. Van Dusen |
| Baltz         | Fields     | Hungerford | Rose       | Vedder          |
| Bennett       | Ford       | Kennedy    | Shepardson | Wells           |
| Blair         | Geib       | Knapp      | Simson     | Whitbeck        |
| E. E. Brown   | Goring     | Lewis      | Smiley     | White           |
| I. D. Brown   | Green      | Lynde      | Smyth      | Woolsey         |
| Buckley       | Greenhalgh | Moseley    | Sniper     |                 |

Those who voted in the negative, were

|               |           |           |         |                 |
|---------------|-----------|-----------|---------|-----------------|
| I. H. Babcock | Hawkins   | Kingsland | Morton  | Smith           |
| Beckwith      | Healy     | Knettles  | Mosher  | Springsted      |
| Carroll       | Hollister | Lincoln   | Murdock | Twombly         |
| Chamberlain   | Houghton  | Lippitt   | Niles   | W. J. Van Dusen |
| Eastman       | Husted    | Lott      | Oakley  | Whitaker        |
| Flammer       | Hyatt     | Loughran  | Pell    | Wiley           |
| Foley         | Jacobs    | Mackay    | Rice    | Wyman           |
| Fort          | Judd      | Marcy     | Sage    | Yeomans         |
| Goss          | Kilian    | Moore     |         |                 |

And at 10 o'clock, the House adjourned.

WEDNESDAY, MARCH 27, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Schlesinger.

On motion of Mr. Fort, the reading of the journal of yesterday was dispensed with.

Mr. Speaker ordered the Clerk to call the names of those gentlemen who were absent last evening without leave.

Mr. Buel then appeared before the bar of the House, and rendered his excuse.

On motion of Mr. Woolsey, he was purged of his contempt.

Mr. Gregory then appeared before the bar of the House, and rendered his excuse.

On motion of Mr. Foley, he was purged of his contempt.

Mr. Haughton then appeared before the bar of the House, and rendered his excuse.

On motion of Mr. Houghton, he was purged of his contempt.

Mr. Burns then appeared before the bar of the House, and rendered his excuse.

On motion of Mr. Fort, he was purged of his contempt.

Mr. Crandall then appeared before the bar of the House, and rendered his excuse.

On motion of Mr. Houghton, he was purged of his contempt.

Mr. Fowler then appeared before the bar of the House, and rendered his excuse.

On motion of Mr. Knapp, he was purged of his contempt.

Mr. A. L. Hayes then appeared before the bar of the House, and rendered his excuse.

On motion of Mr. Vedder, he was purged of his contempt.

Mr. Osgood then appeared before the bar of the House, and rendered his excuse.

On motion of Mr. Houghton, he was purged of his contempt.

Mr. Snyder then appeared before the bar of the House, and rendered his excuse.

On motion of Mr. Wells, he was purged of his contempt.

Mr. Squires then appeared before the bar of the House, and rendered his excuse.

On motion of Mr. Houghton, he was purged of his contempt.

Mr. D. Tompkins then appeared before the bar of the House, and rendered his excuse.

On motion of Mr. Husted, he was purged of his contempt.

Mr. Woodward then appeared before the bar of the House, and rendered his excuse.

On motion of Mr. Kingsland, he was purged of his contempt.

Mr. Bemus then appeared before bar of the House and rendered his excuse.

Mr. Woolsey moved that he be purged of his contempt.

Mr. Goss moved to amend by striking out all after the word "be" and inserting the words "fined fifty dollars."

Mr. Fields moved to amend by striking out all after the words "fined fifty dollars," and inserting in lieu thereof the words "incarcerated in the Albany county jail five days."

Mr. Speaker put the question whether the House would agree to said motion of Mr. Fields, and it was determined in the negative.

The question being on the motion of Mr. Goss,

Mr. Foley moved to amend by striking out the words "fifty dollars" and inserting the words "ten dollars."

Mr. Speaker put the question whether the House would agree to said motion of Mr. Foley, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion as amended, and it was determined in the negative.

Then, on motion of Mr. Husted, he was purged of his contempt.

Mr. A. L. Van Dusen, from the committee on engrossed bills, reported as correctly engrossed the bills (passed March 26) entitled as follows:

"An act to authorize the city of Rochester to issue its bonds in aid of the Rochester and State Line Railway Company, and to take the bonds of that company therefor."



"An act to authorize the city of Rochester to issue its bonds in aid of the Rochester, Nunda and Pennsylvania Railroad Company, and to take the bonds of that company therefor."

"An act to authorize the city of Rochester to issue its bonds in aid of the Lake Ontario Shore Railroad Company, and to take the bonds or stock of the company therefor."

"An act empowering commissioners of certain municipal corporations to subscribe for bonds of the Rochester and State Line Railway Company, in place of stock."

The Senate returned the following entitled bills, with a message that they had concurred in the passage of the same without amendment:

"An act to renew an act passed May 9, 1868, entitled 'An act to amend section 3 of chapter 817 of the Laws of 1866, entitled An act to lay out and construct a road from the river road in township No. 14, in the town of Johnsburgh, to the Carthage road, near the head of Long lake, in the county of Hamilton.'"

"An act to repeal chapter 877 of the Laws of 1871, and to provide for the transfer of the duties of the registrar of arrears of taxes to the collector of taxes and assessments of the city of Brooklyn,"

"An act to authorize the various towns throughout the State, which shall have an excess of money accruing from the excise law, to expend the same."

"An act in relation to non-resident highway taxes upon certain lands in the counties of Hamilton and Warren."

"An act to confirm the title of certain persons to real estate, questioned by reason of alienage of former owners."

"An act to amend an act entitled 'An act to incorporate the village of New Brighton,' passed April 26, 1866, and an act amending the same, passed April 22, 1867; and also an act amending the same, passed April 27, 1871."

"An act to amend an act entitled 'An act to incorporate the superintendents of the fair ground of the town of Oswegatchie,' passed April 15, 1871."

*Ordered,* That the Clerk deliver said bills to the Governor.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act authorizing the construction of a bridge across the Hudson river at the city of Troy," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act to authorize the Second Avenue Railroad Company in the city of New York, to extend their tracks and operate the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to authorize the transportation of passengers in the city of New York, by means of street railways, to be constructed through certain streets and avenues therein," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act to amend an act passed April 9, 1867, entitled 'An act to amend and consolidate the several acts relating to the village of Hornellsville,' which was read the first time, and by unanimous consent

was also read the second time, and referred to the committee on the affairs of villages.

"An act to amend an act entitled 'An act to incorporate the New York Infant Asylum,' passed March 11, 1865," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to authorize the Bleecker Street and Fulton Ferry Railroad Company, of the city of New York, to extend their railroad tracks through certain streets and avenues in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act in relation to the formation of railroad companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

An act to regulate places of public amusement in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act in relation to the improvement of streets in the city of New York between Sixth and Seventh avenues, and north of the southerly line of One Hundred and Tenth street," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Leave of absence was granted to Mr. Crandall, indefinitely, on account of sickness.

The Senate returned the bill entitled as follows:

"An act to authorize the extension of the collection of taxes in the several towns and cities in this State."

*Ordered,* That the Clerk deliver said bill to the Governor.

The Senate returned the bill entitled "An act in relation to the Chemung Railroad Company," with a message that they had passed the same with the following amendments:

Section 2, line 2, engrossed bill, strike out the words "now or hereafter;" same section, line 8, strike out the words "or any other," and insert after the word "State" the words following: "or of the States of Maryland and Pennsylvania."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 99 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |            |         |                 |
|---------------|----------|------------|---------|-----------------|
| Abbott        | Chambers | Healy      | Lynde   | Speaker         |
| Aitken        | Cook     | Herrick    | Mackay  | Springsted      |
| Alberger      | Crandall | A. Hill    | Marcy   | Swain           |
| Alvord        | Dykeman  | D. B. Hill | Moore   | Tobey           |
| D. L. Babcock | Enos     | Holdridge  | Morton  | D. Tomkins      |
| I. H. Babcock | Fields   | Hollister  | Murdock | M. M. Tompkins  |
| Badeau        | Foley    | Houghton   | Osgood  | Tucker          |
| Baltz         | Ford     | Hungerford | Paige   | Twombly         |
| Beckwith      | Fort     | Husted     | Pell    | A. L. Van Dusen |

|             |             |          |         |                 |
|-------------|-------------|----------|---------|-----------------|
| Bemis       | Fowler      | Hyatt    | Pierce  | W. J. Van Dusen |
| Bennett     | Geib        | Judd     | Preston | Vedder          |
| Berri       | Goss        | Kennedy  | Ray     | Wells           |
| Blair       | Green       | Kilian   | Rice    | West            |
| E. E. Brown | Greenhalgh  | Knapp    | Roche   | Whitbeck        |
| I. D. Brown | Gregory     | Knettles | Rose    | Whitaker        |
| Buckley     | Griffin     | Lewis    | Sage    | Woodward        |
| Buell       | Haight      | Lincoln  | Simson  | Woolsey         |
| Campbell    | Haughton    | Lippitt  | Smiley  | Wyman           |
| Carroll     | Hawkins     | Lott     | Smith   | Yeomans         |
| Chamberlain | A. L. Hayes | Loughran | Sniper  |                 |

*Ordered,* That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

Mr. Speaker presented the annual report of the Canal Department on the tolls, trade and tonnage of the canals during the season of navigation for the year 1871; which was laid on the table and ordered printed.

(See *Doc. No. 115.*)

Mr. Speaker presented a communication from the Attorney-General in respect to a resolution relative to sale of Crooked Lake canal.

Mr. Yeomans moved that said communication be printed and referred to the committee on canals.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The Senate returned the bill entitled "An act to incorporate the Importers' and Grocers' Board of Trade in the city of New York," with a message that they had passed the same with the following amendment:

Strike out in section 1, line 1, engrossed bill, the word "that."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |             |            |                 |
|---------------|------------|-------------|------------|-----------------|
| Abbott        | Chambers   | Haughton    | Loughran   | Sniper          |
| Aitken        | Cook       | Hawkins     | Mackay     | Speaker         |
| Alberger      | Crandall   | A. L. Hayes | Marcy      | Springsted      |
| Alvord        | Dykeman    | Healy       | Moore      | Squires         |
| D. L. Babcock | Eastman    | Herrick     | Morton     | Swain           |
| I. H. Babcock | Fields     | D. B. Hill  | Murdock    | Tobey           |
| Badeau        | Flammer    | Holdridge   | Osgood     | D. Tomkins      |
| Baltz         | Ford       | Houghton    | Pierce     | M. M. Tompkins  |
| Beckwith      | Fort       | Hungerford  | Preston    | Tucker          |
| Bemus         | Fowler     | Judd        | Rice       | A. L. Van Dusen |
| Bennett       | Geib       | Kennedy     | Rose       | W. J. Van Dusen |
| Berri         | Goring     | Kilian      | Sage       | Vedder          |
| Blair         | Goss       | Knettles    | Shepardson | Wells           |
| E. E. Brown   | Green      | Lewis       | Simson     | West            |
| I. D. Brown   | Greenhalgh | Lincoln     | Smiley     | Woolsey         |
| Buckley       | Gregory    | Lippitt     | Smith      | Wyman           |
| Buell         | Haight     | Lott        | Smyth      | Yeomans         |
| Campbell      |            |             |            |                 |

*Ordered,* That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendment.

Mr. A. L. Van Dusen, from the committee on engrossed bills, reported as correctly engrossed the bill entitled as follows:



"An act for the improvement of the navigation of the Hudson river, and to make an appropriation therefor."

The House resumed the consideration of the Governor's message, returning the Assembly bill entitled "An act to extend the time for organizing the Niagara Water-works Company," which was interrupted by a call of the House.

Mr. Swain moved that the vote by which said bill was passed be reconsidered.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 95 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |             |            |          |                 |
|---------------|-------------|------------|----------|-----------------|
| Abbott        | Chamberlain | Healy      | Loughran | Springsted      |
| Aitken        | Cook        | Herrick    | Mackay   | Squires         |
| Alberger      | Crandall    | A. Hill    | Marcy    | Swain           |
| Alvord        | Eastman     | D. B. Hill | Moore    | D. Tompkins     |
| D. L. Babcock | Fields      | Holdridge  | Morton   | M. M. Tompkins  |
| I. H. Babcock | Flammer     | Hollister  | Moulton  | Tucker          |
| Badeau        | Ford        | Houghton   | Murdock  | A. L. Van Dusen |
| Baltz         | Fort        | Hungerford | Osgood   | W. J. Van Dusen |
| Beckwith      | Fowler      | Hyatt      | Pell     | Vedder          |
| Bemus         | Geib        | Judd       | Pierce   | Wells           |
| Bennett       | Goring      | Kennedy    | Preston  | West            |
| Blair         | Goss        | Kilian     | Ray      | Whitbeck        |
| E. E. Brown   | Green       | Kingsland  | Rice     | White           |
| I. D. Brown   | Greenhalgh  | Knapp      | Rose     | Whitaker        |
| Buckley       | Gregory     | Knettles   | Sage     | Wiley           |
| Buell         | Griffin     | Lewis      | Simson   | Woodward        |
| Burns         | Haight      | Lincoln    | Smith    | Woolsey         |
| Burritt       | Haughton    | Lippitt    | Smyth    | Wyman           |
| Carroll       | Hawkins     | Lott       | Speaker  | Yeomans         |

For the negative.

Snyder

On motion of Mr. Swain, and by unanimous consent, said bill was amended as follows:

Amend the title so it shall read, "An act to extend the time for organizing the Niagara Water-works Company, and to amend the charter thereof."

Add as section 2:

"§ 2. Section 8 of the charter of said company is hereby amended so as to read as follows:

"§ 8. For the purpose of supplying the villages of Niagara Falls and Niagara City, in the county aforesaid, with pure and wholesome water, the said company may, at any time by purchase take and hold any real estate necessary for the purpose, and by their directions, agents, servants, or other persons employed, may enter upon the lands of any person or persons so acquired, which may be necessary for said purpose, and may take the water from any springs, ponds, rivers, fountains or streams, and divert and convey the same to and through the said village, and may lay and construct any pipes, conduits, aqueducts, wells, reservoirs or other

work or machinery necessary and proper for said purpose, upon any lands so entered upon, purchased, taken or held; said corporation may, as aforesaid, enter upon any lands, streets, highways, roads, lanes or public squares, through which they may deem it proper to carry the water from said springs, fountains, ponds, rivers, streams, wells and reservoirs, and lay and construct any pipes, conduits, aqueducts, or other works for that purpose leaving the said lands, streets, highways, roads, lanes and public squares in the same condition, as nearly as may be, as they were before said entry; but the said company shall not, within the bounds of the said villages lay and construct said pipes, conduits, aqueducts, and other work, through any private garden, court-yard or building lot, without the written consent of the owner thereof."

Add as section 3 the following:

"§ 3. Sections ten, eleven and twelve of the charter of said Niagara Water-works Company are hereby repealed."

Change section 2 to section 4.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 98 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Crandall    | Holdridge  | Morton     | Sniper          |
| Aitken        | Dykeman     | Hollister  | Mosher     | Speaker         |
| Alberger      | Eastman     | Houghton   | Murdock    | Springsted      |
| Alvord        | Fields      | Hungerford | Oakley     | Squires         |
| D. L. Babcock | Flammer     | Husted     | Osgood     | Swain           |
| I. H. Babcock | Foley       | Hyatt      | Paige      | Tobey           |
| Badeau        | Ford        | Judd       | Pell       | M. M. Tompkins  |
| Baltz         | Fort        | Kennedy    | Pierce     | Tucker          |
| Beckwith      | Fowler      | Kilian     | Preston    | Twombly         |
| Bemus         | Goss        | Knapp      | Ray        | A. L. Van Dusen |
| Bennett       | Green       | Knettles   | Rice       | W. J. Van Dusen |
| Berri         | Greenhalgh  | Lewis      | Roche      | Vedder          |
| Blair         | Gregory     | Lincoln    | Rose       | Wells           |
| E. E. Brown   | Haughton    | Lippitt    | Sage       | White           |
| I. D. Brown   | Hawkins     | Lott       | Shepardson | Whitaker        |
| Buckley       | A. L. Hayes | Loughran   | Simson     | Woodward        |
| Buell         | Healy       | Lynde      | Smiley     | Woolsey         |
| Chamberlain   | Herrick     | Mackay     | Smith      | Wyman           |
| Chambers      | A. Hill     | Marcy      | Smyth      | Yeomans         |
| Cook          | D. B. Hill  | Moore      |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

The Senate bill entitled "An act to enable the board of education of the village of Salem to borrow or raise by tax, money for school purposes, and to provide for the payment thereof, with interest, if borrowed, by tax on said village," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 99 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Abbott        | Eastman     | Holdridge  | Morton  | Springsted      |
| Aitken        | Enos        | Hollister  | Mosher  | Squires         |
| Alberger      | Foley       | Houghton   | Murdock | Swain           |
| Alvord        | Ford        | Hungerford | Niles   | Tobey           |
| D. L. Babcock | Fort        | Hyatt      | Osgood  | D. Tomkins      |
| I. H. Babcock | Fowler      | Judd       | Paige   | M. M. Tompkins  |
| Badeau        | Geib        | Kennedy    | Pell    | Tucker          |
| Baltz         | Goss        | Kilian     | Pierce  | Twombly         |
| Beckwith      | Green       | Kingsland  | Preston | A. L. Van Dusen |
| Bennett       | Greenhalgh  | Knapp      | Ray     | W. J. Van Dusen |
| Blair         | Gregory     | Knettles   | Rice    | Vedder          |
| E. E. Brown   | Griffin     | Lewis      | Roche   | Wells           |
| I. D. Brown   | Haight      | Lincoln    | Rose    | West            |
| Buckley       | Haughton    | Lippitt    | Sage    | White           |
| Buell         | Hawkins     | Lott       | Simson  | Whitaker        |
| Burritt       | A. L. Hayes | Loughran   | Smiley  | Woodward        |
| Chamberlain   | Healy       | Lynde      | Smith   | Woolsey         |
| Chambers      | Herrick     | Mackay     | Smyth   | Wyman           |
| Cook          | A. Hill     | Marcy      | Sniper  | Yeomans         |
| Dykeman       | D. B. Hill  | Moore      | Speaker |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act supplemental to an act entitled 'An act to regulate and protect the planting of oysters in the public waters of the towns of Jamaica and Hempstead, in the county of Queens,' passed April 20, 1871," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 97 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Abbott        | Eastman     | Hollister  | Mosher  | Springsted      |
| Aitken        | Enos        | Houghton   | Murdock | Squires         |
| Alberger      | Flammer     | Hungerford | Niles   | Swain           |
| Alvord        | Foley       | Husted     | Oakley  | Tobey           |
| D. L. Babcock | Ford        | Judd       | Paige   | D. Tomkins      |
| I. H. Babcock | Fort        | Kilian     | Pell    | M. M. Tompkins  |
| Badeau        | Geib        | Kingsland  | Pierce  | Tucker          |
| Baltz         | Goss        | Knapp      | Preston | Twombly         |
| Beckwith      | Green       | Knettles   | Ray     | A. L. Van Dusen |
| Bemus         | Greenhalgh  | Lewis      | Rice    | W. J. Van Dusen |
| Bennett       | Gregory     | Lincoln    | Roche   | Vedder          |
| Berri         | Griffin     | Lippitt    | Rose    | Wells           |
| Blair         | Haight      | Lott       | Sage    | West            |
| E. E. Brown   | Haughton    | Loughran   | Simson  | White           |
| Buell         | Hawkins     | Lynde      | Smiley  | Whitaker        |
| Burritt       | A. L. Hayes | Mackay     | Smith   | Woodward        |
| Campbell      | Healy       | Marcy      | Smyth   | Woolsey         |
| Chambers      | Herrick     | Moore      | Sniper  | Wyman           |
| Cook          | A. Hill     | Morton     | Speaker | Yeomans         |
| Dykeman       | Holdridge   |            |         |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.



The bill entitled "An act to authorize the election of an additional justice of the peace in the town of Sodus, in the county of Wayne," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 91 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Enos        | A. Hill    | Murdock    | Squires         |
| Aitken        | Flammer     | D. B. Hill | Niles      | Swain           |
| Alberger      | Foley       | Holdridge  | Osgood     | Tobey           |
| Alvord        | Ford        | Hollister  | Paige      | D. Tomkins      |
| D. L. Babcock | Fort        | Houghton   | Pell       | M. M. Tompkins  |
| I. H. Babcock | Fowler      | Jacobs     | Pierce     | Tucker          |
| Badeau        | Geib        | Judd       | Preston    | A. L. Van Dusen |
| Baltz         | Goss        | Kilian     | Ray        | W. J. Van Dusen |
| Beckwith      | Green       | Knapp      | Rice       | Vedder          |
| Berri         | Greenhalgh  | Knettles   | Rose       | Wells           |
| E. E. Brown   | Gregory     | Lewis      | Sage       | West            |
| Buckley       | Griffin     | Lincoln    | Simson     | Whitbeck        |
| Buell         | Haight      | Lott       | Smiley     | White           |
| Burritt       | Haughton    | Loughran   | Smith      | Whitaker        |
| Carroll       | Hawkins     | Mackay     | Smyth      | Woodward        |
| Chambers      | A. L. Hayes | Moore      | Sniper     | Woolsey         |
| Cook          | Healy       | Morton     | Speaker    | Wyman           |
| Dykeman       | Herrick     | Mosher     | Springsted | Yeomans         |
| Eastman       |             |            |            |                 |

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to release to George Buerckel and Magdalena Stell, the brother and sister of Henry Buerckel, deceased, all the right, title and interest of the people of the State of New York, in and to a certain house and lot of land in the village of Lyons, county of Wayne, and State of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 94 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Abbott        | Cook       | D. B. Hill | Moore   | Squires         |
| Aitken        | Dykeman    | Holdridge  | Mosher  | Swain           |
| Alberger      | Eastman    | Hollister  | Murdock | Tobey           |
| Alvord        | Fields     | Houghton   | Osgood  | D. Tomkins      |
| D. L. Babcock | Flammer    | Hungerford | Paige   | Tucker          |
| I. H. Babcock | Foley      | Hyatt      | Pell    | Twombly         |
| Badeau        | Ford       | Judd       | Pierce  | A. L. Van Dusen |
| Baltz         | Fort       | Kilian     | Preston | W. J. Van Dusen |
| Beckwith      | Geib       | Kingsland  | Ray     | Vedder          |
| Bemus         | Goss       | Knapp      | Rice    | Wells           |
| Bennett       | Green      | Knettles   | Rose    | West            |
| E. E. Brown   | Greenhalgh | Lewis      | Sage    | Whitbeck        |
| I. D. Brown   | Gregory    | Lincoln    | Simson  | White           |
| Buckley       | Griffin    | Lippitt    | Smiley  | Whitaker        |

|             |             |          |            |          |
|-------------|-------------|----------|------------|----------|
| Buell       | Haughton    | Lott     | Smith      | Woodward |
| Burritt     | Hawkins     | Loughran | Smyth      | Woolsey  |
| Campbell    | A. L. Hayes | Lynde    | Sniper     | Wyman    |
| Chamberlain | Herrick     | Mackay   | Speaker    | Yeomans  |
| Chambers    | A. Hill     | Marcy    | Springsted |          |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to incorporate the trustees of the home for the destitute children of Madison county," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 94 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Abbott        | Dykeman     | Holdridge  | Moore   | Springsted      |
| Aitken        | Enos        | Hollister  | Morton  | Squires         |
| Alberger      | Flammer     | Houghton   | Mosher  | Swain           |
| Alvord        | Foley       | Hungerford | Murdock | Tobey           |
| D. L. Babcock | Ford        | Hyatt      | Oakley  | D. Tomkins      |
| I. H. Babcock | Fort        | Judd       | Paige   | Tucker          |
| Badeau        | Geib        | Kennedy    | Pell    | A. L. Van Dusen |
| Baltz         | Goss        | Kilian     | Pierce  | W. J. Van Dusen |
| Beckwith      | Green       | Kingsland  | Preston | Vedder          |
| Bemus         | Greenhalgh  | Knapp      | Ray     | Wells           |
| Bennett       | Gregory     | Knettles   | Rice    | West            |
| E. E. Brown   | Haight      | Lewis      | Roche   | Whitbeck        |
| I. D. Brown   | Haughton    | Lincoln    | Rose    | White           |
| Buckley       | Hawkins     | Lippitt    | Simson  | Whitaker        |
| Buell         | A. L. Hayes | Lott       | Smiley  | Woodward        |
| Burritt       | Healy       | Loughran   | Smith   | Woolsey         |
| Campbell      | Herrick     | Lynde      | Smyth   | Wyman           |
| Chambers      | A. Hill     | Mackay     | Sniper  | Yeomans         |
| Cook          | D. B. Hill  | Marcy      | Speaker |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to change the time of the appointment of overseers of highways, and to define their duties, in the county of Suffolk," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 96 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |            |         |                 |
|---------------|----------|------------|---------|-----------------|
| Abbott        | Crandall | D. B. Hill | Mackay  | Speaker         |
| Aitken        | Dykeman  | Holdridge  | Marcy   | Springsted      |
| Alberger      | Fields   | Hollister  | Moore   | Squires         |
| Alvord        | Flammer  | Houghton   | Morton  | Swain           |
| D. L. Babcock | Foley    | Hungerford | Murdock | Tobey           |
| I. H. Babcock | Fort     | Husted     | Oakley  | D. Tomkins      |
| Badeau        | Fort     | Hyatt      | Paige   | Tucker          |
| Baltz         | Geib     | Jacobs     | Pell    | A. L. Van Dusen |

|             |             |           |         |                 |
|-------------|-------------|-----------|---------|-----------------|
| Beckwith    | Goring      | Judd      | Pierce  | W. J. Van Dusen |
| Bemus       | Goss        | Kilian    | Preston | Vedder          |
| Bennett     | Green       | Kingsland | Ray     | Wells           |
| Blair       | Greenhalgh  | Knapp     | Rice    | West            |
| E. E. Brown | Gregory     | Knettles  | Roche   | Whitbeck        |
| I. D. Brown | Haughton    | Lewis     | Rose    | White           |
| Buell       | Hawkins     | Lincoln   | Sage    | Whitaker        |
| Burritt     | A. L. Hayes | Lippitt   | Simson  | Woodward        |
| Carroll     | Healy       | Lott      | Smiley  | Woolsey         |
| Chamberlain | Herrick     | Loughran  | Smith   | Wyman           |
| Chambers    | A. Hill     | Lynde     | Sniper  | Yeomans         |
| Cook        |             |           |         |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to enable Mary Conlan to take and hold real estate, and to release to her the interest and title in lands escheated to the State," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 100 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Crandall    | Holdridge  | Moore      | Speaker         |
| Aitken        | Dykeman     | Hollister  | Morton     | Springsted      |
| Alberger      | Flammer     | Houghton   | Mosher     | Squires         |
| Alvord        | Foley       | Hungerford | Murdock    | Swain           |
| D. L. Babcock | Ford        | Husted     | Niles      | Tobey           |
| I. H. Babcock | Fort        | Jacobs     | Paige      | D. Tomkins      |
| Badeau        | Geib        | Judd       | Pell       | Tucker          |
| Baltz         | Goring      | Kennedy    | Pierce     | Twombly         |
| Beckwith      | Goss        | Kilian     | Preston    | A. L. Van Dusen |
| Bemus         | Green       | Kingsland  | Ray        | W. J. Van Dusen |
| Bennett       | Greenhalgh  | Knapp      | Rice       | Vedder          |
| Blair         | Gregory     | Knettles   | Roche      | Wells           |
| E. E. Brown   | Griffin     | Lewis      | Rose       | West            |
| I. D. Brown   | Haight      | Lincoln    | Sage       | Whitbeck        |
| Buell         | Hawkins     | Lippitt    | Shepardson | White           |
| Burritt       | A. L. Hayes | Lott       | Simson     | Whitaker        |
| Campbell      | Healy       | Loughran   | Smiley     | Woodward        |
| Chamberlain   | Herrick     | Lynde      | Smith      | Woolsey         |
| Chambers      | A. Hill     | Mackay     | Smyth      | Wyman           |
| Cook          | D. B. Hill  | Marcy      | Sniper     | Yeomans         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Morton moved to take from the table the bill entitled "An act to create a department of city works in the city of Brooklyn, and to abolish the permanent board of water and sewerage commissioners of said city."

Mr. Speaker put the question whether the House would agree to said motion to take from the table, and it was determined in the affirmative.

Said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.



{ AYES 78 }  
{ NOES 27 }

Those who voted in the affirmative, were

|               |            |           |            |                 |
|---------------|------------|-----------|------------|-----------------|
| Alberger      | Fort       | Kennedy   | Osgood     | Swain           |
| Alvord        | Fowler     | Kilian    | Pell       | Tobey           |
| D. L. Babcock | Geib       | Kingsland | Pierce     | D. Tomkins      |
| I. H. Babcock | Goss       | Knapp     | Preston    | Tucker          |
| Badeau        | Greenhalgh | Knettles  | Rice       | Twombly         |
| Baltz         | Gregory    | Lewis     | Rose       | A. L. Van Dusen |
| Beckwith      | Haight     | Lincoln   | Shepardson | W. J. Van Dusen |
| Bemus         | Hawkins    | Lippitt   | Simson     | Vedder          |
| Bennett       | Herrick    | Lott      | Smiley     | West            |
| E. E. Brown   | Holdridge  | Lynde     | Smyth      | Whitbeck        |
| Burns         | Hollister  | Mackay    | Sniper     | White           |
| Burritt       | Houghton   | Marcy     | Snyder     | Whitaker        |
| Crandall      | Hungerford | Moore     | Speaker    | Woolsey         |
| Dykeman       | Husted     | Morton    | Springsted | Wyman           |
| Flammer       | Hyatt      | Murdock   | Squires    | Yeomans         |
| Ford          | Judd       | Niles     |            |                 |

Those who voted in the negative, were

|          |             |            |         |          |
|----------|-------------|------------|---------|----------|
| Abbott   | Chamberlain | Griffin    | Jacobs  | Roche    |
| Aitken   | Chambers    | Haughton   | Moseley | Sage     |
| Blair    | Cook        | Healy      | Mosher  | Wells    |
| Buckley  | Foley       | A. Hill    | Paige   | Wiley    |
| Buell    | Goring      | D. B. Hill | Ray     | Woodward |
| Campbell | Green       |            |         |          |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Berri moved to take from the table the bill entitled "An act in relation to the fire department of the city of Brooklyn, and to reorganize the same."

Mr. Speaker put the question whether the House would agree to said motion to take from the table, and it was determined in the affirmative.

Said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 68 }  
{ NOES 23 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Alberger      | Dykeman    | Hollister  | Moulton    | Speaker         |
| Alvord        | Enos       | Houghton   | Murdock    | Springsted      |
| D. L. Babcock | Flammer    | Hungerford | Osgood     | Swain           |
| I. H. Babcock | Ford       | Husted     | Pell       | Tobey           |
| Badeau        | Fort       | Judd       | Pierce     | D. Tomkins      |
| Baltz         | Fowler     | Kilian     | Preston    | Tucker          |
| Beckwith      | Geib       | Kingsland  | Sage       | Twombly         |
| Bennett       | Goss       | Knapp      | Shepardson | A. L. Van Dusen |
| Berri         | Greenhalgh | Knettles   | Simson     | W. J. Van Dusen |
| E. E. Brown   | Gregory    | Lewis      | Smiley     | Wells           |
| I. D. Brown   | Haight     | Lippitt    | Smith      | Whitbeck        |
| Burns         | Hawkins    | Lynde      | Smyth      | Woolsey         |
| Burritt       | Herrick    | Mackay     | Sniper     | Yeomans         |
| Crandall      | Holdridge  | Moore      |            |                 |

Those who voted in the negative, were

|         |             |            |         |          |
|---------|-------------|------------|---------|----------|
| Abbott  | Campbell    | Foley      | Moseley | Roche    |
| Aitken  | Chamberlain | Goring     | Oakley  | Rose     |
| Blair   | Chambers    | A. Hill    | Paige   | Wiley    |
| Buckley | Cook        | D. B. Hill | Ray     | Woodward |
| Buell   | Fields      | Jacobs     |         |          |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act for the relief of the heirs of Daniel Early, deceased, late of the city of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Alberger      | Fields     | Hungerford | Murdock    | Speaker         |
| Alvord        | Flammer    | Husted     | Oakley     | Springsted      |
| D. L. Babcock | Foley      | Hyatt      | Osgood     | Squires         |
| I. H. Babcock | Ford       | Judd       | Paige      | Swain           |
| Badeau        | Fort       | Kennedy    | Pierce     | Tobey           |
| Baltz         | Fowler     | Kilian     | Preston    | D. Tomkins      |
| Beckwith      | Geib       | Knapp      | Prince     | Tucker          |
| E. E. Brown   | Green      | Knettles   | Ray        | Twombly         |
| I. D. Brown   | Greenhalgh | Lewis      | Rice       | W. J. Van Dusen |
| Buell         | Gregory    | Lincoln    | Roche      | Wells           |
| Burns         | Griffin    | Lippitt    | Rose       | West            |
| Burritt       | Haight     | Lott       | Sage       | Whitbeck        |
| Campbell      | Herrick    | Lynde      | Shepardson | White           |
| Carroll       | A. Hill    | Mackay     | Simson     | Whitaker        |
| Chambers      | D. B. Hill | Marcy      | Smiley     | Woodward        |
| Crandall      | Holdridge  | Moore      | Smith      | Wyman           |
| Davidson      | Hollister  | Morton     | Sniper     | Yeomans         |
| Enos          | Houghton   | Mosher     | Snyder     |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to provide for the election of a fifth justice of the peace in the town of Richland, in and for the county of Oswego, and for the future election of five justices of the peace of said town," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 2 }

Those who voted in the affirmative, were

|               |          |            |         |            |
|---------------|----------|------------|---------|------------|
| Abbott        | Crandall | A. Hill    | Mackay  | Speaker    |
| Alberger      | Dykeman  | D. B. Hill | Moore   | Springsted |
| Alvord        | Enos     | Holdridge  | Morton  | Squires    |
| D. L. Babcock | Ford     | Hollister  | Mosher  | Swain      |
| I. H. Babcock | Fort     | Houghton   | Murdock | Tobey      |
| Badeau        | Fowler   | Hungerford | Pell    | D. Tomkins |
| Baltz         | Geib     | Husted     | Pierce  | Tucker     |
| Beckwith      | Goring   | Judd       | Preston | Twombly    |

|             |             |          |            |                 |
|-------------|-------------|----------|------------|-----------------|
| Bennett     | Goss        | Kennedy  | Ray        | A. L. Van Dusen |
| Blair       | Green       | Kilian   | Rice       | W. J. Van Dusen |
| E. E. Brown | Greenhalgh  | Knapp    | Rose       | Wells           |
| Buell       | Gregory     | Knettles | Sage       | West            |
| Burns       | Griffin     | Lewis    | Shepardson | Whitbeck        |
| Burritt     | Haight      | Lincoln  | Simson     | Whitaker        |
| Campbell    | Haughton    | Lippitt  | Smiley     | Woodward        |
| Chamberlain | Hawkins     | Lott     | Smith      | Wyman           |
| Chambers    | A. L. Hayes | Lynde    | Smyth      | Yeomans         |
| Cook        |             |          |            |                 |

Those who voted in the negative, were

Aitken I. D. Brown

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to release the interest of the people of the State of New York in certain real estate to Elizabeth Hanley," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof

{ AYES 98 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Dykeman     | Holdridge  | Oakley     | Squires         |
| Aitken        | Enos        | Hollister  | Paige      | Swain           |
| Alberger      | Flammer     | Houghton   | Pell       | Tobey           |
| Alvord        | Ford        | Hungerford | Preston    | D. Tomkins      |
| D. L. Babcock | Fort        | Husted     | Prince     | Tucker          |
| I. H. Babcock | Fowler      | Judd       | Ray        | Twombly         |
| Badeau        | Geib        | Kennedy    | Rice       | A. L. Van Dusen |
| Baltz         | Goring      | Kilian     | Roche      | W. J. Van Dusen |
| Beckwith      | Goss        | Knapp      | Rose       | Vedder          |
| Bennett       | Green       | Knettles   | Sage       | Wells           |
| Blair         | Greenhalgh  | Lewis      | Shepardson | West            |
| E. E. Brown   | Gregory     | Lincoln    | Simson     | Whitbeck        |
| I. D. Brown   | Griffin     | Lippitt    | Smiley     | White           |
| Buckley       | Haight      | Lott       | Smith      | Whitaker        |
| Buell         | Haughton    | Mackay     | Smyth      | Wiley           |
| Burritt       | Hawkins     | Marcy      | Sniper     | Woodward        |
| Campbell      | A. L. Hayes | Morton     | Snyder     | Woolsey         |
| Chamberlain   | Herrick     | Mosher     | Speaker    | Wyman           |
| Chambers      | A. Hill     | Murdock    | Springsted | Yeomans         |
| Cook          | D. B. Hill  | Niles      |            |                 |

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to incorporate the St. Joseph's Academy and Industrial Female School of Lockport,'" passed February 19, 1866," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.



{ AYES 82 }  
{ NOES 26 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Aitken        | Dykeman    | Hungerford | Murdock    | Squires         |
| Alberger      | Enos       | Husted     | Niles      | Swain           |
| Alvord        | Fields     | Jacobs     | Oakley     | Tobey           |
| D. L. Babcock | Flammer    | Judd       | Paige      | D. Tomkins      |
| I. H. Babcock | Fowler     | Kennedy    | Ray        | Tucker          |
| Badeau        | Geib       | Kilian     | Rice       | Twombly         |
| Baltz         | Goring     | Kingsland  | Roche      | W. J. Van Dusen |
| Beckwith      | Goss       | Knapp      | Rose       | Vedder          |
| Bemus         | Green      | Lincoln    | Sage       | Wells           |
| Bennett       | Greenhalgh | Lippitt    | Shepardson | West            |
| Blair         | Gregory    | Lynde      | Simson     | Whitbeck        |
| Buell         | Griffin    | Marcy      | Smiley     | White           |
| Burritt       | Haight     | Moore      | Sniper     | Whitaker        |
| Campbell      | Haughton   | Morton     | Snyder     | Wiley           |
| Chambers      | D. B. Hill | Moseley    | Speaker    | Woodward        |
| Cook          | Hollister  | Mosher     | Springsted | Woolsey         |
| Crandall      | Houghton   |            |            |                 |

Those who voted in the negative, were

|             |             |           |         |                 |
|-------------|-------------|-----------|---------|-----------------|
| Abbott      | Ford        | Holdridge | Mackay  | Smith           |
| Berri       | Fort        | Hyatt     | Moulton | Smyth           |
| E. E. Brown | Hawkins     | Knettlies | Osgood  | A. L. Van Dusen |
| I. D. Brown | A. L. Hayes | Lewis     | Pell    | Wyman           |
| Buckley     | A. Hill     | Lott      | Preston | Yeomans         |
| Burns       |             |           |         |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend 'An act to provide for the construction of a main and lateral drain or sewer in Navy street, Johnson street and Hudson avenue, and other streets and avenues in the city of Brooklyn,' passed April 6, 1871," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 92 }  
{ NOES 2 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Fields      | Houghton   | Paige      | Squires         |
| Aitken        | Flammer     | Hungerford | Pell       | Swain           |
| Alberger      | Ford        | Judd       | Pierce     | Tobey           |
| Alvord        | Fort        | Kennedy    | Preston    | D. Tomkins      |
| D. L. Babcock | Fowler      | Kilian     | Ray        | Tucker          |
| I. H. Babcock | Geib        | Kingsland  | Rice       | Twombly         |
| Badeau        | Goring      | Knapp      | Roche      | A. L. Van Dusen |
| Baltz         | Goss        | Lincoln    | Rose       | W. J. Van Dusen |
| Beckwith      | Green       | Lippitt    | Sage       | Wells           |
| Bennett       | Greenhalgh  | Lott       | Shepardson | West            |
| E. E. Brown   | Gregory     | Lynde      | Simson     | Whitbeck        |
| Buckley       | Griffin     | Mackay     | Smiley     | White           |
| Buell         | Haight      | Marcy      | Smith      | Whitaker        |
| Burns         | Hawkins     | Moore      | Smyth      | Wiley           |
| Burritt       | A. L. Hayes | Morton     | Sniper     | Woodward        |
| Chambers      | A. Hill     | Murdock    | Snyder     | Woolsey         |

|         |            |        |            |         |
|---------|------------|--------|------------|---------|
| Cook    | D. B. Hill | Niles  | Speaker    | Wyman   |
| Dykeman | Holdridge  | Osgood | Springsted | Yeomans |
| Enos    | Hollister  |        |            |         |

Those who voted in the negative, were

Berri I. D. Brown

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to compel the commissioners appointed to build a town hall in the town of New Rochelle, under chapter 88 of the Laws of 1868, and all acts amendatory thereof, to account," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 93 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Cook        | Hollister  | Mosher     | Springsted      |
| Aitken        | Dykeman     | Houghton   | Niles      | Squires         |
| Alberger      | Enos        | Hungerford | Osgood     | Swain           |
| Alvord        | Fields      | Husted     | Paige      | Tobey           |
| D. L. Babcock | Ford        | Hyatt      | Pell       | D. Tomkins      |
| I. H. Babcock | Fort        | Judd       | Pierce     | Tucker          |
| Badeau        | Fowler      | Kennedy    | Preston    | A. L. Van Dusen |
| Baltz         | Geib        | Kilian     | Ray        | W. J. Van Dusen |
| Beckwith      | Goring      | Kingsland  | Rice       | Vedder          |
| Bennett       | Green       | Knapp      | Rose       | Wells           |
| Berri         | Greenhalgh  | Lewis      | Sage       | West            |
| E. E. Brown   | Gregory     | Lincoln    | Shepardson | Whitbeck        |
| I. D. Brown   | Haight      | Lippitt    | Simson     | White           |
| Buckley       | Hawkins     | Lott       | Smith      | Whitaker        |
| Buell         | A. L. Hayes | Lynde      | Smyth      | Woodward        |
| Burns         | Healy       | Mackay     | Sniper     | Woolsey         |
| Burritt       | A. Hill     | Marcy      | Snyder     | Wyman           |
| Chamberlain   | D. B. Hill  | Moore      | Speaker    | Yeomans         |
| Chambers      | Holdridge   | Morton     |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to limit the amount of money to be paid to the Hornell Library Association to five hundred dollars, and to amend chapter 549 of the Laws of 1869." was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 95 }  
{ NOES 00 }

Those who voted in the affirmative, were

|          |         |            |         |            |
|----------|---------|------------|---------|------------|
| Abbott   | Cook    | D. B. Hill | Morton  | Springsted |
| Aitken   | Dykeman | Holdridge  | Moulton | Squires    |
| Alberger | Enos    | Hollister  | Murdock | Swain      |
| Alvord   | Fields  | Houghton   | Niles   | Tobey      |

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| D. L. Babcock | Flammer     | Hungerford | Osgood     | Tucker          |
| I. H. Babcock | Ford        | Husted     | Paige      | Twombly         |
| Badeau        | Fort        | Hyatt      | Pell       | A. L. Van Dusen |
| Baltz         | Fowler      | Judd       | Pierce     | W. J. Van Dusen |
| Beckwith      | Geib        | Kennedy    | Preston    | Vedder          |
| Bennett       | Goss        | Kilian     | Rose       | Wells           |
| Berri         | Green       | Kingsland  | Sage       | West            |
| E. E. Brown   | Greenhalgh  | Knettles   | Shepardson | Whitbeck        |
| I. D. Brown   | Gregory     | Lewis      | Simson     | White           |
| Buckley       | Griffin     | Lincoln    | Smiley     | Whitaker        |
| Buell         | Haight      | Lippitt    | Smith      | Wiley           |
| Burns         | Hawkins     | Lott       | Smyth      | Woodward        |
| Burritt       | A. L. Hayes | Lynde      | Sniper     | Woolsey         |
| Chamberlain   | Healy       | Mackay     | Snyder     | Wyman           |
| Chambers      | A. Hill     | Moore      | Speaker    | Yeomans         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to consolidate and amend the several acts relating to the village of Warsaw, and to enlarge the powers of the corporation of said village,' passed March 17, 1860," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 94 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Cook        | Houghton   | Niles      | Springsted      |
| Aitken        | Dykeman     | Hungerford | Oakley     | Squires         |
| Alberger      | Enos        | Husted     | Osgood     | Swain           |
| Alvord        | Flammer     | Hyatt      | Paige      | Tobey           |
| D. L. Babcock | Ford        | Judd       | Pell       | D Tomkins       |
| I. H. Babcock | Fort        | Kennedy    | Pierce     | Tucker          |
| Badeau        | Fowler      | Kilian     | Preston    | Twombly         |
| Baltz         | Geib        | Kingsland  | Ray        | A. L. Van Dusen |
| Beckwith      | Goring      | Knapp      | Rice       | W. J. Van Dusen |
| Bennett       | Green       | Knettles   | Roche      | Vedder          |
| Berri         | Greenhalgh  | Lewis      | Rose       | Wells           |
| E. E. Brown   | Gregory     | Lippitt    | Sage       | West            |
| I. D. Brown   | Griffin     | Lott       | Shepardson | Whitbeck        |
| Buckley       | Hawkins     | Lynde      | Simson     | White           |
| Buell         | A. L. Hayes | Mackay     | Smiley     | Whitaker        |
| Burns         | A. Hill     | Marcy      | Smith      | Woodward        |
| Campbell      | D. B. Hill  | Moore      | Smyth      | Wyman           |
| Chamberlain   | Holdridge   | Moulton    | Sniper     | Yeomans         |
| Chambers      | Hollister   | Murdock    | Snyder     |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the board of education of school district No. 10, in the town of Warsaw, to erect a school building and provide means for payment thereof," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.



{ AYES 93 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Crandall    | Hollister  | Moulton    | Springsted      |
| Aitken        | Dykeman     | Houghton   | Murdock    | Squires         |
| Alberger      | Enos        | Hungerford | Niles      | Swain           |
| Alvord        | Flammer     | Husted     | Osgood     | Tobey           |
| D. L. Babcock | Ford        | Hyatt      | Paige      | D. Tomkins      |
| I. H. Babcock | Fort        | Judd       | Pell       | Tucker          |
| Baltz         | Fowler      | Kennedy    | Pierce     | A. L. Van Dusen |
| Beckwith      | Geib        | Kilian     | Preston    | W. J. Van Dusen |
| Bennett       | Goss        | Kingsland  | Ray        | Vedder          |
| Berri         | Green       | Knapp      | Rice       | Wells           |
| E. E. Brown   | Greenhalgh  | Knettles   | Rose       | West            |
| I. D. Brown   | Gregory     | Lewis      | Sage       | Whitbeck        |
| Buckley       | Griffin     | Lincoln    | Shepardson | White           |
| Buell         | Haight      | Lott       | Simson     | Whitaker        |
| Burns         | Hawkins     | Mackay     | Smiley     | Woodward        |
| Burritt       | A. L. Hayes | Marcy      | Smith      | Woolsey         |
| Chamberlain   | A. Hill     | Moore      | Sniper     | Wyman           |
| Chambers      | D. B. Hill  | Morton     | Speaker    | Yeomans         |
| Cook          | Holdridge   | Mosher     |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to amend the charter of the village of Warsaw, and to authorize said village to raise money to procure water and to protect said village and the property therein against loss by fire,' passed February 18, 1871," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 90 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Dykeman     | Holdridge  | Moore      | Sniper          |
| Aitken        | Enos        | Hollister  | Morton     | Speaker         |
| Alberger      | Flammer     | Houghton   | Mosher     | Springsted      |
| Alvord        | Ford        | Hungerford | Moulton    | Squires         |
| D. L. Babcock | Fort        | Husted     | Murdock    | Swain           |
| I. H. Babcock | Fowler      | Hyatt      | Osgood     | Tobey           |
| Badeau        | Geib        | Judd       | Pell       | D. Tomkins      |
| Baltz         | Goring      | Kennedy    | Pierce     | Tucker          |
| Beckwith      | Goss        | Kilian     | Preston    | Twombly         |
| Bennett       | Green       | Kingsland  | Ray        | A. L. Van Dusen |
| E. E. Brown   | Greenhalgh  | Knapp      | Rice       | W. J. Van Dusen |
| I. D. Brown   | Gregory     | Knettles   | Rose       | Vedder          |
| Buckley       | Griffin     | Lewis      | Sage       | Wells           |
| Buell         | Haight      | Lincoln    | Shepardson | West            |
| Burns         | Hawkins     | Lippitt    | Simson     | Whitaker        |
| Burritt       | A. L. Hayes | Lott       | Smiley     | Woodward        |
| Chamberlain   | Herrick     | Mackay     | Smith      | Woolsey         |
| Chambers      | D. B. Hill  | Marcy      | Smyth      | Yeomans         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to repeal an act entitled 'An act to provide for the erection of a town hall in the village of Mount Vernon, town of East Chester, county of Westchester,' passed April 4, 1871," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |          |            |                 |
|---------------|-------------|----------|------------|-----------------|
| Alberger      | Dykeman     | Hyatt    | Pell       | Swain           |
| Alvord        | Enos        | Jacobs   | Pierce     | Tobey           |
| I. H. Babcock | Ford        | Judd     | Ray        | D. Tomkins      |
| Badeau        | Fort        | Kennedy  | Rice       | A. L. Van Dusen |
| Baltz         | Fowler      | Kilian   | Rose       | Vedder          |
| Beckwith      | Geib        | Knapp    | Sage       | Wells           |
| Berri         | Goss        | Knetties | Shepardson | West            |
| E. E. Brown   | Greenhalgh  | Lewis    | Simson     | Whitbeck        |
| I. D. Brown   | Griffin     | Lincoln  | Smiley     | White           |
| Buckley       | Hart        | Lott     | Smith      | Whitaker        |
| Buell         | Hawkins     | Mackay   | Smyth      | Wiley           |
| Burns         | A. L. Hayes | Moore    | Sniper     | Woodward        |
| Burritt       | A. Hill     | Moulton  | Speaker    | Woolsey         |
| Chamberlain   | D. B. Hill  | Murdock  | Springsted | Wyman           |
| Chambers      | Houghton    | Niles    | Squires    | Yeomans         |
| Cook          | Hungerford  | Paige    |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to declare Otter creek and its tributaries, in Lewis and Herkimer counties, a public highway," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 3 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Chambers   | Healy      | Mackay     | Speaker         |
| Aitken        | Cook       | A. Hill    | Moore      | Springsted      |
| Alberger      | Dykeman    | D. B. Hill | Moulton    | Swain           |
| Alvord        | Eastman    | Holdridge  | Murdock    | Tobey           |
| I. H. Babcock | Enos       | Hollister  | Niles      | D. Tomkins      |
| Badeau        | Foley      | Houghton   | Pierce     | Twombly         |
| Baltz         | Ford       | Hungerford | Ray        | A. L. Van Dusen |
| Beckwith      | Fort       | Husted     | Rice       | W. J. Van Dusen |
| Bemus         | Fowler     | Hyatt      | Rose       | Vedder          |
| Bennett       | Geib       | Jacobs     | Sage       | Wells           |
| E. E. Brown   | Goring     | Judd       | Shepardson | West            |
| I. D. Brown   | Goss       | Kennedy    | Simson     | Whitbeck        |
| Buckley       | Greenhalgh | Kilian     | Smiley     | Whitaker        |
| Buell         | Griffin    | Lincoln    | Smith      | Woodward        |
| Burns         | Haight     | Lippitt    | Smyth      | Woolsey         |
| Burritt       | Hart       | Lynde      | Sniper     | Wyman           |
| Campbell      | Hawkins    |            |            |                 |

Those who voted in the negative, were

A. L. Hayes      Osgood      Pell

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to provide for fair grounds in the county of Chemung," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Aitken        | Ford       | Hungerford | Murdock    | Speaker         |
| Alvord        | Fort       | Husted     | Niles      | Springsted      |
| I. H. Babcock | Fowler     | Hyatt      | Oakley     | Swain           |
| Badeau        | Geib       | Jacobs     | Osgood     | Tobey           |
| Baltz         | Goss       | Judd       | Paige      | D. Tomkins      |
| Beckwith      | Green      | Kennedy    | Pell       | Twombly         |
| Bennett       | Greenhalgh | Kilian     | Pierce     | A. L. Van Dusen |
| Blair         | Gregory    | Knapp      | Preston    | West            |
| E. E. Brown   | Griffin    | Knettles   | Ray        | Whitbeck        |
| I. D. Brown   | Hart       | Lewis      | Rose       | White           |
| Burritt       | Hawkins    | Lincoln    | Shepardson | Whitaker        |
| Campbell      | Healy      | Lippitt    | Simson     | Wiley           |
| Chambers      | A. Hill    | Lynde      | Smiley     | Woodward        |
| Cook          | D. B. Hill | Mackay     | Smith      | Woolsey         |
| Eastman       | Holdridge  | Moore      | Smyth      | Wyman           |
| Enos          | Hollister  | Morton     | Sniper     | Yeomans         |
| Flammer       | Houglton   | Moulton    | Snyder     |                 |

For the negative

Alberger

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the common council of the city of Brooklyn to open and improve Sanford street, from Myrtle avenue to Flushing avenue," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 89 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |         |            |         |                 |
|---------------|---------|------------|---------|-----------------|
| Abbott        | Cook    | D. B. Hill | Moore   | Speaker         |
| Aitken        | Dykeman | Holdridge  | Morton  | Springsted      |
| Alberger      | Eastman | Hollister  | Mosher  | Swain           |
| Alvord        | Enos    | Houghton   | Moulton | Tobey           |
| D. L. Babcock | Ford    | Hungerford | Murdock | D. Tomkins      |
| I. H. Babcock | Fort    | Husted     | Oakley  | Tucker          |
| Badeau        | Fowler  | Jacobs     | Paige   | Twombly         |
| Baltz         | Geib    | Judd       | Pierce  | A. L. Van Dusen |
| Beckwith      | Goss    | Kennedy    | Preston | Vedder          |
| Bennett       | Green   | Kilian     | Ray     | Wells           |



|             |             |          |            |          |
|-------------|-------------|----------|------------|----------|
| Berri       | Greenhalgh  | Knapp    | Rice       | Whitbeck |
| E. E. Brown | Gregory     | Knettles | Rose       | White    |
| I. D. Brown | Griffin     | Lewis    | Sage       | Whitaker |
| Buckley     | Haight      | Lincoln  | Shepardson | Wiley    |
| Burns       | Hawkins     | Lippitt  | Simson     | Woodward |
| Burritt     | A. L. Hayes | Lott     | Smith      | Woolsey  |
| Carroll     | Healy       | Lynde    | Smyth      | Wyman    |
| Chambers    | A. Hill     | Mackay   | Sniper     |          |

For the negative

Pell

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to enable the board of education of the city of Brooklyn to sell certain lands," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 91 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Cook        | A. Hill    | Moore      | Speaker         |
| Aitken        | Dykeman     | D. B. Hill | Morton     | Springsted      |
| Alberger      | Eastman     | Holdridge  | Moulton    | Squires         |
| Alvord        | Enos        | Hollister  | Murdock    | Swain           |
| D. L. Babcock | Flammer     | Houghton   | Niles      | D. Tomkins      |
| I. H. Babcock | Ford        | Hungerford | Osgood     | Twombly         |
| Badeau        | Fort        | Husted     | Paige      | A. L. Van Dusen |
| Baltz         | Fowler      | Hyatt      | Pierce     | W. J. Van Dusen |
| Beckwith      | Geib        | Kennedy    | Preston    | Vedder          |
| Bemus         | Goring      | Kilian     | Ray        | Wells           |
| Bennett       | Goss        | Knapp      | Rice       | West            |
| E. E. Brown   | Green       | Knettles   | Rose       | Whitbeck        |
| I. D. Brown   | Greenhalgh  | Lewis      | Sage       | White           |
| Buckley       | Gregory     | Lincoln    | Shepardson | Whitaker        |
| Burns         | Haight      | Lippitt    | Smiley     | Woodward        |
| Burritt       | Hawkins     | Lott       | Smith      | Woolsey         |
| Campbell      | A. L. Hayes | Lynde      | Smyth      | Wyman           |
| Chamberlain   | Healy       | Mackay     | Sniper     | Yeomans         |
| Chambers      |             |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act in relation to a part of Mamaroneck avenue, in the town of Mamaroneck, in the county of Westchester," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 93 }  
{ NOES 00 }

Those who voted in the affirmative, were

|          |         |            |         |            |
|----------|---------|------------|---------|------------|
| Abbott   | Cook    | D. B. Hill | Moulton | Speaker    |
| Aitken   | Dykeman | Holdridge  | Murdock | Springsted |
| Alberger | Eastman | Hollister  | Niles   | Squires    |

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alvord        | Enos        | Houghton   | Osgood     | Swain           |
| D. L. Babcock | Flammer     | Hungerford | Paige      | D. Tomkins      |
| I. H. Babcock | Ford        | Hyatt      | Pell       | Tucker          |
| Badeau        | Fort        | Jacobs     | Pierce     | Twombly         |
| Baltz         | Fowler      | Kennedy    | Preston    | A. L. Van Dusen |
| Beckwith      | Geib        | Kilian     | Ray        | W. J. Van Dusen |
| Bennett       | Goss        | Knapp      | Roche      | Vedder          |
| Berri         | Green       | Knettles   | Rose       | Wells           |
| E. E. Brown   | Greenhalgh  | Lewis      | Sage       | West            |
| I. D. Brown   | Gregory     | Lincoln    | Shepardson | White           |
| Buckley       | Griffin     | Lippitt    | Simson     | Whitaker        |
| Buell         | Haight      | Lott       | Smiley     | Woodward        |
| Burns         | Hawkins     | Lynde      | Smith      | Woolsey         |
| Campbell      | A. L. Hayes | Mackay     | Smyth      | Wyman           |
| Chamberlain   | Herrick     | Moore      | Sniper     | Yeomans         |
| Chambers      | A. Hill     | Morton     |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act for the appointment of commissioners to lay out a plan for roads and streets in the towns of Kings county,' passed May 7, 1869," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 93 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Cook        | D. B. Hill | Morton     | Springsted      |
| Aitken        | Dykeman     | Holdridge  | Murdock    | Squires         |
| Alberger      | Eastman     | Hollister  | Niles      | Swain           |
| Alvord        | Enos        | Houghton   | Oakley     | Tobey           |
| D. L. Babcock | Flammer     | Hungerford | Paige      | D. Tomkins      |
| I. H. Babcock | Ford        | Husted     | Pell       | Tucker          |
| Badeau        | Fort        | Hyatt      | Pierce     | Twombly         |
| Baltz         | Fowler      | Judd       | Preston    | A. L. Van Dusen |
| Beckwith      | Goring      | Kennedy    | Ray        | W. J. Van Dusen |
| Bennett       | Goss        | Kilian     | Rice       | Vedder          |
| Berri         | Green       | Knapp      | Sage       | Wells           |
| E. E. Brown   | Greenhalgh  | Knettles   | Shepardson | West            |
| I. D. Brown   | Gregory     | Lewis      | Simson     | Whitbeck        |
| Buell         | Griffin     | Lincoln    | Smiley     | White           |
| Burns         | Haight      | Lippitt    | Smith      | Whitaker        |
| Burritt       | Hawkins     | Lott       | Smyth      | Woodward        |
| Campbell      | A. L. Hayes | Mackay     | Sniper     | Wyman           |
| Chamberlain   | Healy       | Marcy      | Speaker    | Yeomans         |
| Chambers      | A. Hill     | Moore      |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to provide for widening the Coney Island plank-road, in the county of Kings, and for the subsequent management thereof,' passed May 15, 1868," being announced for a third reading,

Mr. Jacobs moved to recommit said bill to the committee on roads and bridges, retaining its place on third reading of bills, and that said committee have power to report at any time.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The bill entitled "An act to provide for the erection of a town house, in the town of New Lots, Kings county," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Cook        | Healy      | Moore      | Springsted      |
| Aitken        | Dykeman     | A. Hill    | Morton     | Squires         |
| Alberger      | Eastman     | D. B. Hill | Moseley    | Swain           |
| Alvord        | Enos        | Holdridge  | Mosher     | Tobey           |
| D. L. Babcock | Flammer     | Hollister  | Murdock    | D. Tomkins      |
| I. H. Babcock | Ford        | Houghton   | Oakley     | Tucker          |
| Badeau        | Fort        | Hungerford | Paige      | Twombly         |
| Baltz         | Fowler      | Hyatt      | Pierce     | A. L. Van Dusen |
| Beckwith      | Goring      | Judd       | Preston    | W. J. Van Dusen |
| Bennett       | Goss        | Kilian     | Ray        | Wells           |
| Berri         | Green       | Knapp      | Roche      | West            |
| E. E. Brown   | Greenhalgh  | Knettles   | Rose       | Whitbeck        |
| I. D. Brown   | Gregory     | Lewis      | Sage       | White           |
| Buckley       | Griffin     | Lincoln    | Shepardson | Woodward        |
| Buell         | Haight      | Lippitt    | Smith      | Woolsey         |
| Burritt       | Hawkins     | Lynde      | Smyth      | Wyman           |
| Chamberlain   | A. L. Hayes | Mackay     | Sniper     | Yeomans         |
| Chambers      |             |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act in relation to making and repairing highways and bridges in the town of Flatlands, in Kings county," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 91 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Abbott        | Chambers    | Healy      | Mosher  | Springsted      |
| Aitken        | Cook        | A. Hill    | Murdock | Squires         |
| Alberger      | Dykeman     | D. B. Hill | Niles   | Swain           |
| Alvord        | Eastman     | Hollister  | Paige   | D. Tomkins      |
| D. L. Babcock | Enos        | Houghton   | Pell    | Tucker          |
| I. H. Babcock | Flammer     | Hungerford | Pierce  | Twombly         |
| Badeau        | Ford        | Jacobs     | Preston | A. L. Van Dusen |
| Baltz         | Fort        | Kennedy    | Ray     | W. J. Van Dusen |
| Beckwith      | Fowler      | Kilian     | Rice    | Vedder          |
| Bennett       | Geib        | Knapp      | Roche   | Wells           |
| Berri         | Goss        | Knettles   | Rose    | West            |
| E. E. Brown   | Green       | Lincoln    | Sage    | Whitbeck        |
| I. D. Brown   | Greenhalgh  | Lippitt    | Simson  | White           |
| Buckley       | Gregory     | Lott       | Smiley  | Whitaker        |
| Buell         | Griffin     | Lynde      | Smith   | Woodward        |
| Burns         | Haight      | Marcy      | Smyth   | Woolsey         |
| Burritt       | Hawkins     | Moore      | Snyder  | Wyman           |
| Carroll       | A. L. Hayes | Morton     | Speaker | Yeomans         |
| Chamberlain   |             |            |         |                 |



*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to release the interest of the State in certain lands, of which Thomas Breen died seized, to Margaret Breen his widow," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 92 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| Abbott        | Cook        | Holdridge | Moseley    | Speaker         |
| Aitken        | Dykeman     | Hollister | Murdock    | Springsted      |
| Alberger      | Eastman     | Houghton  | Niles      | Squires         |
| Alvord        | Enos        | Husted    | Osgood     | Swain           |
| D. L. Babcock | Flammer     | Hyatt     | Paige      | Tobey           |
| I. H. Babcock | Ford        | Jacobs    | Pell       | D. Tomkins      |
| Badeau        | Fort        | Kennedy   | Pierce     | Tucker          |
| Baltz         | Fowler      | Kilian    | Preston    | Twombly         |
| Beckwith      | Geib        | Kingsland | Ray        | A. L. Van Dusen |
| Bemus         | Goring      | Knettles  | Rice       | Vedder          |
| Berri         | Goss        | Lewis     | Roche      | Wells           |
| E. E. Brown   | Green       | Lincoln   | Rose       | West            |
| I. D. Brown   | Greenhalgh  | Lippitt   | Sage       | Whitbeck        |
| Buckley       | Gregory     | Lott      | Shepardson | Whitaker        |
| Buell         | Griffin     | Lynde     | Smiley     | Woodward        |
| Burns         | Hawkins     | Mackay    | Smith      | Woolsey         |
| Burritt       | A. L. Hayes | Marcy     | Smyth      | Wyman           |
| Chamberlain   | Healy       | Moore     | Snyder     | Yeomans         |
| Chambers      | D. B. Hill  |           |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act in relation to Union avenue, in the towns of Mamaroneck and Rye, in the county of Westchester," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 94 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Chambers   | Healy      | Morton     | Speaker         |
| Aitken        | Cook       | D. B. Hill | Mosher     | Springsted      |
| Alberger      | Dykeman    | Holdridge  | Murdock    | Squires         |
| Alvord        | Eastman    | Hollister  | Niles      | Swain           |
| D. L. Babcock | Enos       | Houghton   | Osgood     | Tobey           |
| I. H. Babcock | Flammer    | Hungerford | Pell       | D. Tomkins      |
| Badeau        | Foley      | Jacobs     | Pierce     | Tucker          |
| Baltz         | Ford       | Judd       | Preston    | A. L. Van Dusen |
| Beckwith      | Fort       | Kennedy    | Ray        | W. J. Van Dusen |
| Bemus         | Fowler     | Kingsland  | Rice       | Vedder          |
| Bennett       | Geib       | Knapp      | Roche      | Wells           |
| Berri         | Goss       | Knettles   | Rose       | West            |
| E. E. Brown   | Green      | Lewis      | Sage       | White           |
| I. D. Brown   | Greenhalgh | Lincoln    | Shepardson | Whitaker        |
| Buell         | Gregory    | Lippitt    | Smiley     | Woodward        |

|             |             |        |        |         |
|-------------|-------------|--------|--------|---------|
| Burns       | Griffin     | Lott   | Smith  | Woolsey |
| Burritt     | Haight      | Lynde  | Smyth  | Wyman   |
| Campbell    | Hawkins     | Mackay | Sniper | Yeomans |
| Chamberlain | A. L. Hayes | Moore  | Snyder |         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 117 of the Laws of 1850, entitled 'An act to amend an act to provide for the better repairing certain roads in the town of Coeymans,' passed December 14, 1847," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 95 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Chamberlain | Healy      | Morton     | Speaker         |
| Aitken        | Chambers    | D. B. Hill | Moseley    | Springsted      |
| Alberger      | Cook        | Holdridge  | Moulton    | Squires         |
| Alvord        | Dykeman     | Hollister  | Murdock    | Swain           |
| D. L. Babcock | Eastman     | Houghton   | Niles      | Tobey           |
| I. H. Babcock | Enos        | Hungerford | Osgood     | D. Tomkins      |
| Badeau        | Flammer     | Hyatt      | Paige      | Tucker          |
| Baltz         | Ford        | Kennedy    | Pierce     | Twombly         |
| Beckwith      | Fort        | Kilian     | Preston    | A. L. Van Dusen |
| Bemus         | Fowler      | Kingsland  | Ray        | W. J. Van Dusen |
| Bennett       | Goring      | Knettles   | Rice       | Wells           |
| Berri         | Goss        | Lewis      | Roche      | Whitbeck        |
| E. E. Brown   | Green       | Lincoln    | Rose       | White           |
| I. D. Brown   | Greenhalgh  | Lippitt    | Shepardson | Whitaker        |
| Buckley       | Gregory     | Lott       | Smiley     | Wiley           |
| Buell         | Griffin     | Lynde      | Smith      | Woodward        |
| Burns         | Haight      | Mackay     | Smyth      | Woolsey         |
| Burritt       | Hawkins     | Marcy      | Sniper     | Wyman           |
| Carroll       | A. L. Hayes | Moore      | Snyder     | Yeomans         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the formation, establishing and maintaining of driving park, park, and agricultural associations," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 90 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |             |         |                 |
|---------------|-------------|-------------|---------|-----------------|
| Abbott        | Chamberlain | A. L. Hayes | Lippitt | Speaker         |
| Aitken        | Chambers    | Healy       | Lott    | Springsted      |
| Alberger      | Cook        | D. B. Hill  | Mackay  | Squires         |
| Alvord        | Dykeman     | Holdridge   | Marcy   | Swain           |
| D. L. Babcock | Eastman     | Hollister   | Morton  | Tobey           |
| I. H. Babcock | Enos        | Houghton    | Murdock | D. Tomkins      |
| Badeau        | Flammer     | Hungerford  | Niles   | Twombly         |
| Baltz         | Ford        | Husted      | Paige   | A. L. Van Dusen |

|             |            |           |            |                 |
|-------------|------------|-----------|------------|-----------------|
| Beckwith    | Fort       | Hyatt     | Pierce     | W. J. Van Dusen |
| Bemus       | Fowler     | Jacobs    | Preston    | Wells           |
| Bennett     | Geib       | Judd      | Rice       | West            |
| Berri       | Goss       | Kennedy   | Roche      | Whitbeck        |
| E. E. Brown | Green      | Kilian    | Sage       | White           |
| I. D. Brown | Greenhalgh | Kingsland | Shepardson | Whitaker        |
| Buckley     | Gregory    | Knapp     | Simson     | Woodward        |
| Buell       | Griffin    | Knettles  | Smith      | Woolsey         |
| Burritt     | Haight     | Lewis     | Smyth      | Wyman           |
| Campbell    | Hawkins    | Lincoln   | Sniper     | Yeomans         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations and to regulate the same,' passed April 2, 1850," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 90 }  
{ NOES 2 }

Those who voted in the affirmative, were

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| Abbott        | Cook        | Holdridge | Moore      | Speaker         |
| Aitken        | Dykeman     | Hollister | Moseley    | Springsted      |
| Alberger      | Eastman     | Houghton  | Murdock    | Squires         |
| Alvord        | Enos        | Husted    | Niles      | Swain           |
| D. L. Babcock | Flammer     | Hyatt     | Osgood     | Tobey           |
| I. H. Babcock | Ford        | Jacobs    | Paige      | D. Tomkins      |
| Badeau        | Fort        | Judd      | Pell       | Twombly         |
| Baltz         | Fowler      | Kennedy   | Pierce     | A. L. Van Dusen |
| Beckwith      | Goring      | Kilian    | Preston    | Vedder          |
| Bemus         | Goss        | Kingsland | Ray        | Wells           |
| Bennett       | Green       | Knapp     | Rice       | West            |
| E. E. Brown   | Greenhalgh  | Knettles  | Roche      | Whitbeck        |
| I. D. Brown   | Gregory     | Lewis     | Rose       | White           |
| Buckley       | Griffin     | Lincoln   | Shepardson | Whitaker        |
| Buell         | Hawkins     | Lippitt   | Simson     | Woodward        |
| Burns         | A. L. Hayes | Lott      | Smiley     | Woolsey         |
| Carroll       | Healy       | Lynde     | Smyth      | Wyman           |
| Chamberlain   | D. B. Hill  | Mackay    | Sniper     | Yeomans         |

Those who voted in the negative, were

Chambers      A. Hill

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act giving permission to the United States to remove a portion of the public work known as the Erie Basin Breakwater, in or near Buffalo harbor,' passed April 27, 1868," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 88 }  
{ NOES 1 }

Those who voted in the affirmative, were

|        |          |         |        |         |
|--------|----------|---------|--------|---------|
| Abbott | Chambers | Healy   | Mackay | Squires |
| Aitken | Cook     | A. Hill | Marcy  | Swain   |



|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Dykeman     | D. B. Hill | Moore      | Tobey           |
| Alvord        | Eastman     | Holdridge  | Mosher     | D. Tomkins      |
| D. L. Babcock | Enos        | Hollister  | Murdock    | Tucker          |
| I. H. Babcock | Flammer     | Houghton   | Osgood     | Twombly         |
| Badeau        | Foley       | Hungerford | Pierce     | A. L. Van Dusen |
| Baltz         | Ford        | Husted     | Preston    | W. J. Van Dusen |
| Beckwith      | Fort        | Hyatt      | Ray        | Vedder          |
| Bennett       | Fowler      | Jacobs     | Rice       | Wells           |
| Berri         | Geib        | Judd       | Roche      | Whitbeck        |
| E. E. Brown   | Goss        | Kilian     | Smiley     | White           |
| I. D. Brown   | Greenhalgh  | Kingsland  | Smith      | Whitaker        |
| Buckley       | Gregory     | Lewis      | Smyth      | Woodward        |
| Buell         | Griffin     | Lincoln    | Sniper     | Woolsey         |
| Burns         | Haight      | Lippitt    | Speaker    | Wyman           |
| Carroll       | Hawkins     | Lott       | Springsted | Yeomans         |
| Chamberlain   | A. L. Hayes | Lynde      |            |                 |

For the negative.

Sage

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 195 of the Laws of 1846, entitled 'An act to authorize the New York and New Haven Railroad Company to extend their railroad from the Connecticut line to the New York and Harlem railroad,' passed May 11, 1846," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 69 }  
{ NOES 29 }

Those who voted in the affirmative, were

|               |            |           |            |                 |
|---------------|------------|-----------|------------|-----------------|
| Alberger      | Foley      | Hollister | Marcy      | Smyth           |
| Alvord        | Ford       | Husted    | Morton     | Sniper          |
| D. L. Babcock | Fort       | Jacobs    | Moulton    | Speaker         |
| I. H. Babcock | Fowler     | Judd      | Murdock    | Springsted      |
| Badeau        | Geib       | Kennedy   | Niles      | Tobey           |
| Bemus         | Goring     | Kilian    | Paige      | D. Tomkins      |
| Bennett       | Greenhalgh | Kingsland | Pell       | Twombly         |
| Berri         | Gregory    | Knapp     | Preston    | A. L. Van Dusen |
| E. E. Brown   | Griffin    | Knettles  | Ray        | Vedder          |
| Buell         | Haight     | Lewis     | Rice       | Whitbeck        |
| Burns         | Hawkins    | Lippitt   | Rose       | White           |
| Burritt       | Healy      | Lott      | Shepardson | Woodward        |
| Eastman       | D. B. Hill | Lynde     | Simson     | Wyman           |
| Enos          | Holdridge  | Mackay    | Smiley     |                 |

Those who voted in the negative, were

|          |             |             |         |          |
|----------|-------------|-------------|---------|----------|
| Abbott   | Chamberlain | A. L. Hayes | Mosher  | Swain    |
| Aitken   | Chambers    | A. Hill     | Roche   | Tucker   |
| Baltz    | Cook        | Houghton    | Sage    | Wells    |
| Beckwith | Dykeman     | Hungerford  | Smith   | West     |
| Buckley  | Goss        | Lincoln     | Snyder  | Whitaker |
| Campbell | Green       | Moseley     | Squires |          |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to provide for the building of a bridge over the Boston and Albany railroad in the town of East Greenbush, Rensselaer county," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 83 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Aitken        | Enos        | Hungerford | Moulton    | Springsted      |
| Alberger      | Fort        | Hyatt      | Paige      | Squires         |
| Alvord        | Fowler      | Jacobs     | Pell       | Swain           |
| D. L. Babcock | Geib        | Judd       | Preston    | Tobey           |
| I. H. Babcock | Goring      | Kennedy    | Ray        | D. Tomkins      |
| Badeau        | Goss        | Kilian     | Rice       | Tucker          |
| Baltz         | Green       | Kingsland  | Roche      | Twombly         |
| Beckwith      | Greenhalgh  | Knapp      | Rose       | A. L. Van Dusen |
| Bemus         | Gregory     | Knettles   | Sage       | W. J. Van Dusen |
| Bennett       | Griffin     | Lewis      | Shepardson | Wells           |
| E. E. Brown   | Hawkins     | Lincoln    | Simson     | West            |
| Buell         | A. L. Hayes | Lippitt    | Smiley     | White           |
| Burns         | A. Hill     | Lott       | Smith      | Whitaker        |
| Campbell      | D. B. Hill  | Mackay     | Sniper     | Woodward        |
| Chambers      | Holdridge   | Marcy      | Snyder     | Wyman           |
| Dykeman       | Hollister   | Morton     | Speaker    | Yeomans         |
| Eastman       | Houghton    | Mosher     |            |                 |

For the negative

Cook

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

By unanimous consent, Mr. Smyth introduced a bill entitled "An act to amend chapter 427 of the Laws of 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. West introduced a bill entitled "An act in regard to Union free school district No. 1, in the town of Milton, and to enlarge its boundaries, and to authorize the board of education thereof to raise money to purchase sites, and to build or purchase school-houses," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

By unanimous consent, Mr. West introduced a bill entitled "An act to authorize the sale of the State armory at Ballston Spa," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the militia.

By unanimous consent, Mr. West introduced a bill entitled "An act to modify the duties of the coroners in the several counties in this State, the duties of the magistrates and overseers of the poor in the several towns, and to create a board of special assessors in said towns," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The bill entitled "An act for the relief of the town of Perinton, in the county of Monroe," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 90 }  
{ NOES 4 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Eastman     | D. B. Hill | Moore      | Speaker         |
| Alberger      | Enos        | Holdridge  | Moulton    | Springsted      |
| Alvord        | Flammer     | Hollister  | Murdock    | Squires         |
| D. L. Babcock | Foley       | Houghton   | Niles      | Swain           |
| I. H. Babcock | Ford        | Husted     | Osgood     | Tobey           |
| Badeau        | Fort        | Judd       | Paige      | D Tomkins       |
| Baltz         | Fowler      | Kennedy    | Pell       | Twombly         |
| Beckwith      | Geib        | Kilian     | Pierce     | A. L. Van Dusen |
| Bemus         | Goring      | Kingsland  | Preston    | W. J. Van Dusen |
| Bennett       | Goss        | Knapp      | Rice       | Wells           |
| E. E. Brown   | Green       | Knettles   | Rose       | West            |
| Buell         | Greenhalgh  | Lewis      | Sage       | Whitbeck        |
| Burns         | Gregory     | Lincoln    | Shepardson | White           |
| Burritt       | Haight      | Lippitt    | Simson     | Whitaker        |
| Chamberlain   | Hawkins     | Lott       | Smiley     | Woodward        |
| Chambers      | A. L. Hayes | Lynde      | Smith      | Woolsey         |
| Cook          | Healy       | Mackay     | Smyth      | Wyman           |
| Dykeman       | A. Hill     | Marcy      | Sniper     | Yeomans         |

Those who voted in the negative, were

|        |         |       |        |
|--------|---------|-------|--------|
| Aitken | Moseley | Roche | Tucker |
|--------|---------|-------|--------|

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

By unanimous consent, Mr. Tobey introduced a bill entitled "An act to facilitate the construction of the New York and Canada railroad, and extending thereto the provisions of certain laws relating to the Whitehall and Plattsburgh Railroad Company," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Tobey, and by unanimous consent, said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 92 }  
{ NOES 5 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Abbott        | Eastman    | Holdridge  | Morton  | Snyder          |
| Alberger      | Enos       | Hollister  | Mosher  | Speaker         |
| Alvord        | Flammer    | Houghton   | Moulton | Springsted      |
| D. L. Babcock | Foley      | Hungerford | Murdock | Squires         |
| I. H. Babcock | Ford       | Husted     | Niles   | Tobey           |
| Badeau        | Fort       | Hyatt      | Osgood  | D. Tomkins      |
| Baltz         | Fowler     | Jacobs     | Paige   | Twombly         |
| Beckwith      | Geib       | Judd       | Pierce  | A. L. Van Dusen |
| Bennett       | Goring     | Kennedy    | Preston | W. J. Van Dusen |
| Berri         | Goss       | Kilian     | Rice    | Vedder          |
| E. E. Brown   | Green      | Kingsland  | Roche   | Wells           |
| I. D. Brown   | Greenhalgh | Knapp      | Rose    | West            |



|          |             |          |            |          |
|----------|-------------|----------|------------|----------|
| Buell    | Gregory     | Knettles | Shepardson | Whitaker |
| Burns    | Griffin     | Lincoln  | Simson     | Wiley    |
| Burritt  | Haight      | Lott     | Smiley     | Woodward |
| Campbell | Hawkins     | Lynde    | Smith      | Woolsey  |
| Chambers | A. L. Hayes | Mackay   | Smyth      | Wyman    |
| Cook     | A. Hill     | Marcy    | Sniper     | Yeomans  |
| Dykeman  | D. B. Hill  |          |            |          |

Those who voted in the negative, were

|        |       |      |     |       |
|--------|-------|------|-----|-------|
| Aitken | Lewis | Pell | Ray | White |
|--------|-------|------|-----|-------|

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Alvord moved that this House now take a recess until 7½ o'clock, and that that session be devoted to "introduction of bills," "reports of committees," and "general orders."

Mr. Hyatt moved to amend by adding "motions and resolutions."

Mr. Speaker put the question whether the House would agree to said motion of Mr. Hyatt, and it was determined in the negative.

Mr. I. D. Brown called for a division of the question.

Mr. Speaker put the question on so much of the motion as relates to the business to be transacted, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Speaker then put the question on taking a recess and holding an evening session, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

And at 2 o'clock and 17 minutes, the House took a recess.

## HALF-PAST SEVEN O'CLOCK P. M.

The House again met.

The Senate returned the bills entitled as follows:

"An act to amend an act entitled 'An act to authorize the village of Dunkirk to issue bonds for the purpose of supplying said village with water, and to create a board of water commissioners,' passed April 13, 1871."

"An act to regulate the ferries running from the foot of Tenth street and Twenty-third street, in the city of New York, across the East river to Green Point, in the city of Brooklyn."

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Rose presented the report of the sub-committee of the whole; which was laid on the table and ordered printed.

(See Doc. No. 117.)

Mr. Rose called from the table the report of the sub-committee of the whole, in favor of the passage of the bills entitled as follows:

"An act to amend chapter 90, Laws of 1869, being an act entitled 'An act to provide for the improvement of the navigation of the Racket river, and of the hydraulic power thereon, and to check freshets therein,' passed April 2, 1869."

"An act to erect the village of Greenville into a separate road district."

"An act to repeal so much of chapter 640, Laws of 1870, as relates to non-resident lands in the county of Franklin."

"An act to authorize the board of supervisors of the county of Westchester to purchase City Island bridge (so called), in said county."

Senate, "An act for the relief of Simon De Graff, James Conway and George W. Phelps, and to authorize the board of supervisors of the county of Livingston to audit and allow the claims of Simon De Graff, James Conway and George W. Phelps, for constructing and repairing a bridge over the Genesee river, in the county of Livingston, and to levy a tax for the amount allowed."

"An act to legalize and confirm the official acts of William H. Ireland, a justice of the peace of the town of Coventry, in the county of Chenango."

"An act to amend an act entitled 'An act for the erection and maintenance of watering-troughs in the public highways,' passed April 7, 1869," [With amendments.]

Senate, "An act authorizing the town of Little Valley, Cattaraugus county, to issue bonds to pay its indebtedness incurred in the building of the court house and jail of said town."

"An act to change and fix the number of trustees of the Attica Union Free School and Academy."

"An act releasing the interest of the State in certain lands and premises, of which Maurice Roche, late of Coxsackie, in the county of Greene, died seized, and authorizing his heirs-at-law to hold and convey the same."

"An act to provide for the sale of certain public property in the city of New York," [With amendments, and title amended by striking out the word "public" and inserting the word "market."]

Mr. Moulton moved to recommit said bill to the committee of the whole, retaining its place on general orders.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

"An act authorizing the election of a receiver of taxes and assessments for the town and village of Saratoga Springs."

"An act to release the title and interest of the people of the State of New York in and to certain real estate in the city of Brooklyn to Sarah Groom."

"An act to repeal an act to grade and macadamize the Westchester turnpike and post road, appointing commissioners by chapter 549 of the Laws of 1868, and the acts amendatory thereof."

"An act to amend an act entitled 'An act to amend chapter 194 of the Laws of 1849, entitled An act to vest in the boards of supervisors certain legislative powers, and to prescribe their fees for certain services,' passed April 3, 1849, passed February 2, 1871."

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative.

*Ordered*, That said bills be engrossed for a third reading.

Mr. Lott, from the committee on engrossed bills, reported as correctly engrossed the bill (passed March 27) entitled as follows:

"An act to facilitate the construction of the New York and Canada railroad, and extending thereto the provisions of certain laws relating to the Whitehall and Plattsburgh Railroad Company."

Also, as correctly re-engrossed the bill, recalled from the Governor, entitled as follows:

"An act to extend the time for organizing the Niagara Water-works Company."

By unanimous consent, Mr. Niles presented the petition of the Society of Friends against the death penalty.

On motion of Mr. Niles, said petition was ordered printed and referred to the committee on the judiciary.

By unanimous consent, Mr. Foley presented the memorial of Peter Cooper, Theodore B. Bronson, James Lenox and many others, citizens of the city of New York, remonstrating against the repeal of the act to provide a further supply of pure and wholesome water for the city of New York, passed February 27, 1871; which was read and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Foley presented the memorial of the officers of more than 100 fire insurance companies in the city of New York, remonstrating against the repeal of the act to provide a further supply of pure and wholesome water for the city of New York, passed February 27, 1871; which was read and referred to the committee on the affairs of cities.

Mr. Fort presented a communication from the Canal Board relative to lock No. 2 on the Erie canal; which was laid on the table and ordered printed.

(See Doc. No. .)

By unanimous consent, Mr. Fort introduced a bill entitled "An act to provide for the completion of lock No. 2 on the Erie canal, and to make an appropriation for said object," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Fort, and by unanimous consent, said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 92 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |           |            |                 |
|---------------|------------|-----------|------------|-----------------|
| Abbott        | Foley      | Husted    | Moseley    | Springsted      |
| Aitken        | Ford       | Hyatt     | Mosher     | Squires         |
| Alberger      | Fort       | Jacobs    | Moulton    | Swain           |
| Alvord        | Geib       | Kennedy   | Murdock    | Tobey           |
| D. L. Babcock | Goring     | Kilian    | Paige      | M. M. Tompkins  |
| I. H. Babcock | Goss       | Kingsland | Pierce     | Tucker          |
| Badeau        | Greenhalgh | Knapp     | Preston    | Twombly         |
| Baltz         | Gregory    | Knettles  | Ray        | A. L. Van Dusen |
| Beckwith      | Griffin    | Lewis     | Rice       | W. J. Van Dusen |
| Bemus         | Haight     | Lincoln   | Roche      | Wells           |
| Berri         | Haughton   | Lippitt   | Rose       | West            |
| Blair         | Hawkins    | Lott      | Sage       | Whitbeck        |
| E. E. Brown   | Healy      | Loughran  | Shepardson | Whitaker        |
| I. D. Brown   | Herrick    | Lynde     | Smiley     | Wiley           |
| Buell         | A. Hill    | Mackay    | Smith      | Woodward        |
| Chambers      | D. B. Hill | Marcy     | Smyth      | Woolsey         |
| Dykeman       | Holdridge  | Moore     | Sniper     | Wyman           |
| Eastman       | Hollister  | Morton    | Speaker    | Yeomans         |
| Flammer       | Houghton   |           |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Speaker and Clerk reported the following bills as proper to refer to the sub-committee of the whole :



"An act to erect an armory in Greenpoint, seventeenth ward, in the city of Brooklyn."

"An act concerning certain female habitual drunkards, vagrants and prostitutes in the city of Brooklyn and county of Kings."

"An act to amend an act entitled 'An act to provide for the improvement of Grass river and of the water power thereon, and to check freshets therein.'"

"An act to provide for the better education of minors employed in manufactories in this State."

"An act to amend an act entitled 'An act to alter the map or plan of the city of New York, passed April 15, 1859, relative to the Seventh avenue in the city of New York.'"

"An act to amend an act passed April 24, 1865, entitled 'An act for the improvement of part of the city of New York, between One Hundred and Tenth street and Harlem river.'"

"An act for the relief of Thomas O'Brien."

"An act requiring the agents and wardens of the State prisons of this State to keep a detailed account of the purchases and sales made by them as such agents and wardens."

"An act providing for the application of the taxes hereafter assessed upon the New York and Oswego Midland Railroad Company in the town of Thompson, Sullivan county, for town purposes, in payment of interest and principal to become due on the bonds executed or hereafter to be issued by the town of Bethel and like bonds issued or to be issued by the village of Monticello, to aid in the construction of the New York and Oswego Midland railroad or its branches, and to provide for the deficiency of town taxes occasioned thereby."

"An act to authorize the common council of the city of Brooklyn to open, grade, pave and complete certain streets in said city."

"An act to authorize the common council of the city of Brooklyn to open, grade, pave and complete Douglass street in said city."

"An act entitled 'An act to amend an act entitled An act to incorporate the city of Newburgh,' passed April 22, 1865, and the several acts amendatory thereof."

• "An act in relation to the First Baptist Church and Society in Ogdensburgh."

"An act to amend an act entitled 'An act to prevent the unlawful taking of oysters planted within the waters of the State of New York,' passed April 21, 1866."

"An act to incorporate the Ramapo Villa Park Association, in the county of Rockland."

"An act to amend an act entitled 'An act to abolish the office of county superintendent of the poor, in the county of Albany,' passed April 4, 1849."

"An act to amend an act entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' passed April 8, 1861."

"An act to amend an act to incorporate the city of Rome, passed February 23, 1870."

"An act to supply the city of Rochester with pure and wholesome water."

"An act to amend an act entitled 'An act to incorporate the Elmira Park Association,' passed April 13, 1871."

"An act to authorize the common council of the city of Binghamton to fund a debt incurred by the issue of bonds in the purchasing of stock in the Syracuse and Binghamton railroad."

"An act to amend an act entitled 'An act to incorporate the city of Binghamton,' passed April 9, 1867, and the several acts amending the same."

"An act to amend an act entitled 'An act to authorize the common council of the city of Binghamton to borrow money for the purpose of purchasing a site for a high school, and erecting and furnishing a building thereon.'"

"An act to amend an act entitled 'An act to organize a fire department and board of fire commissioners in the city of Troy,' passed April 13, 1861."

Senate, "An act to alter the map or plan of the city of New York."

Senate, "An act to repeal an act entitled 'An act to provide for a police court-house in the ninth judicial district in the city of New York,' passed April 27, 1870; also, to repeal an act entitled 'An act to provide for the completion of the court-house for the ninth judicial district of the city of New York,' passed February 17, 1871."

"An act to provide for the adjusting of certain accounts of the city of Brooklyn."

"An act to amend an act entitled 'An act in relation to sewerage and drainage in the city of Brooklyn,' passed April 15, 1857."

"An act for the improvement of First street and Kent avenue, in the city of Brooklyn."

"An act to amend an act entitled 'An act to provide for the opening and improvement of Park avenue, between Bridge street and Hudson avenue and Clinton avenue and Broadway, in the city of Brooklyn,' passed April 17, 1868."

"An act in relation to the pay of firemen, stokers and drivers appointed by the fire commissioners of the city of Brooklyn."

"An act to legalize the vote of the legal voters of the town of Greece, in the county of Monroe, held March 5, 1872, to raise money in aid of the Lake Ontario Shore Railroad Company, and to authorize the board of supervisors to levy a tax to raise the same."

"An act to amend an act entitled 'An act to enable non-resident guardians to obtain property in the State belonging to their wards residing in other States or territories of the United States,' passed March 10, 1870, and to extend the provisions of said act so as to apply to non-resident trustees and beneficiaries under the trust."

"An act in relation to the supreme court library at Binghamton."

"An act in relation to mechanics' liens."

"An act to amend an act entitled 'An act to provide for the erection of wharves and piers in the Harlem river, below the Second avenue,' passed April 4, 1868."

"An act to authorize the Pelham and Port Chester Railroad Company to cross such arms of the sea, bays, inlets or navigable streams as may be found necessary to build said road, and to build draw-bridges over the same."

"An act to re-enact and amend chapter 125 of the Laws of 1851, entitled 'An act to incorporate the Minisceongo Ferry Company in the county of Rockland.'"

"An act to authorize the city of Rochester to subscribe for stock of the



Lake Ontario Shore Railroad Company from the proceeds of the sale of the Rochester and Genesee Valley railroad stock owned by the city."

"An act to amend an act entitled 'An act to incorporate the village of Lima, Livingston county,' passed April 25, 1867."

"An act to incorporate the trustees of the Presbytery of Westchester."

"An act to amend an act entitled 'An act to change the name of the First Universalist Society and Church in the city of Hudson and to authorize said society to take and hold by gift, grant, devise, purchase or otherwise, real and personal estate,' passed March 28, 1871."

"An act to amend an act entitled 'An act to authorize the consolidation of certain gas-light companies in the city of Brooklyn,' passed May 2, 1871."

"An act to authorize Isabella Isler, wife of John Isler, Adelle Isler, wife of Charles Isler, and Josefa Isler, wife of Alfred Isler, to hold, devise and convey real estate in the city of Poughkeepsie."

"An act to release the interest of the people of this State in certain lands to Sarah Mann, and to authorize her to hold and convey the same."

"An act to release the interest of the people of the State of New York in certain lands to Mary M. Imhorst."

"An act to amend section 2 of chapter 890 of the Laws of 1868, entitled 'An act to authorize Lewis Runyon to establish and maintain a ferry across Seneca lake at Lodi landing.'"

"An act to amend chapter 402 of the Laws of 1854, being 'An act for the better security of mechanics and others erecting buildings in the counties of Westchester, Oneida, Cortland, Broome, Putnam, Rockland, Orleans, Niagara, Livingston, Otsego, Lewis, Orange and Dutchess,' passed April 17, 1854, extending the provisions thereof, and of all acts amendatory thereof to the county of Erie, excepting the city of Buffalo."

"An act to incorporate the Soldiers' Monument Society of Niagara county."

And said bills were so referred.

By unanimous consent, and on motion of Mr. White,

*Resolved*, That Assembly bill No. 595, general order 677, entitled "An act for the improvement of Myrtle avenue, in the city of Brooklyn," be recommitted to the committee on the affairs of cities, retaining its place on general orders.

Mr. Flammer, from the committee on the judiciary, to which was referred the bill entitled "An act relating to the Marine court in the city of New York," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Flammer, from the committee on the judiciary, to which was referred the bill entitled "An act relative to lands bequeathed by the last will and testament of Joseph Cudlipp, deceased, to Joseph Cudlipp, Annie M. Walsh, Sarah C. Cudlipp and Elizabeth A. O'Keefe, for and during their natural lives," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Flammer, from the committee on the judiciary, to which was referred the Senate bill entitled "An act to discharge William Hoffman from the debtors' jail in the city of New York, commonly called the Ludlow street jail, and to discharge him from arrest and imprisonment under the orders of arrest, by virtue of which he is now imprisoned in



said jail, and to exonerate his person from any existing or future arrest or imprisonment on any civil process in any civil action issuing out of any court of law," etc., reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to legalize the official acts and proceedings of John R. Williams, a justice of the peace of the town of Knox, in the county of Albany," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the common council of the city of Syracuse to construct a trunk sewer in Harrison street, and to raise money to pay for the same," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to lay out, extend and improve Rush street, in the Nineteenth ward of the city of Brooklyn, and to alter the commissioners' map of said city," reported in favor of the passage of the same, with an amendment; which report was agreed to and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was recommended the bill entitled "An act to amend an act entitled 'An act for the further extension of Prospect park, in the city of Brooklyn,' passed April 24, 1868," reported in favor of the passage of the same with an amendment, to retain its place on third reading of bills.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to provide for the building of iron bridges across the Chemung river, in the city of Elmira, and bonding said city to pay the expenses thereof," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to provide for the improvement of Pleasant street, in the city of Utica, and town of New Hartford, Oneida county, between Oneida street and Seymour avenue," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act to repeal 'An act to authorize the construction of a bridge over the Chenango canal, in the city of Binghamton, at its junction with Chenango street, in said city,' passed April 7, 1871, and to provide for the construction of an iron bridge over the extension for the Chenango canal, in the city of Binghamton, at its intersection with Robinson street, in said city," reported adversely thereto, which report was agreed to.

Mr. Alberger, from the committee on commerce and navigation, to which was referred the bill entitled "An act to change the bulk-head and pier-head line or lines of solid filling, and the pier line in a part of the port of New York, in conformity with the map entitled 'Map of Water Fronts on East river, at Bushwick Inlet, Brooklyn, E. D.,' made by R.

Rosa, city surveyor, which was filed in the office of the Secretary of State, on the 5th day of June, in the year 1865," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Geib, from the committee on commerce and navigation, to which was referred the Senate bill entitled "An act to repeal an act entitled 'An act relative to the improvement of certain portions of the county of Westchester and New York, including provisions for communication between said counties, and for the improving of the navigation of Harlem river and Spuyten Duyvil creek,' passed April 15, 1871, so far as relates to the towns of East Chester and Westchester, in the county of Westchester," reported in favor of the passage of the same, with an amendment; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to repeal an act entitled 'An act to provide for the construction of an experimental line of railway in the counties of New York and Westchester,' passed April 22, 1866," reported adversely thereto.

Mr. White dissented from said report.

Mr. Flammer moved to disagree with said report, and that said bill be committed to the committee of the whole.

Mr. Moseley moved that said report lay on the table.

Mr. Speaker put the question whether the House would agree to said motion to lay on the table, and it was determined in the affirmative.

Mr. Smith, from the committee on railroads, to which was referred the Senate bill entitled "An act to change the name of the Utica and Mohawk Street Railroad Company to extend their track, and regulate the fare thereon," reported in favor of the passage of the same with substituted bill as amendment, and the title amended so as to read: "An act to amend an act entitled 'An act to incorporate the Utica and Mohawk Street Railroad Company,' etc., passed May 17, 1869; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Smith, from the committee on railroads, to which was referred the Senate bill entitled "An act to incorporate a railroad company to construct a street railroad in the city and town of Oswego, in the county of Oswego," reported in favor of the passage of the same, which report was agreed to and said bill committed to the committee of the whole.

Mr. Smith, from the committee on railroads, to which was referred the bill entitled "An act for the relief of the Lake Champlain and Moriah Railroad Company," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Smith, from the committee on railroads, to which was referred the bill entitled "An act to encourage and facilitate the construction of a railroad from the town of Edinburgh, Saratoga county to the Mohawk valley," reported in favor of the passage of the same with amendments, and the title amended so as to read "An act to encourage and facilitate the construction of a railroad from the town of Edinburgh, Saratoga county to the Mohawk valley; and the preparation of the natural products of the soil for market," which report was agreed to, and said bill committed to the committee of the whole.



Mr. Smith, from the committee on railroads, to which was referred the bill entitled "An act to incorporate a railroad company to construct a street railroad in the city and town of Oswego, in the county of Oswego," substituted for the same Senate bill No. 209, and reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Smith, from the committee on railroads, to which was referred the bill entitled "An act in relation to the railroads of this State," reported adversely thereto; which report was agreed to.

Mr. Smith, from the committee on railroads, to which was referred the bill entitled "An act to regulate the running of railroad trains over crossings of tracks the grades of which are common to two railroads," reported adversely thereto, which report was agreed to.

Mr. Smith, from the committee on railroads, to which was recommitted the bill entitled "An act to amend chapter 254 of the Laws of 1867, entitled 'An act in relation to railroads held under leave,' passed April 3, 1867, and to extend the same," reported adversely thereto; which report was agreed to.

Mr. Smith, from the committee on railroads, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850," reported adversely thereto; which report was agreed to.

Mr. Smith, from the committee on railroads, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850," reported adversely thereto; which report was agreed to.

Mr. Smith, from the committee on railroads, to which was referred the bill entitled "An act to except the city of Rochester from the operation of chapter 907 of the Laws of 1869, and the several acts amendatory thereof," reported adversely thereto; which report was agreed to.

Mr. Chambers dissented from said report.

Mr. Smith, from the committee on railroads, to which was referred the bill entitled "An act to amend chapter 917 of the Laws of 1869, entitled 'An act authorizing the consolidation of certain railroads,'" reported adversely thereto, which report was agreed to.

Mr. Smith, from the committee on railroads, to which was referred the Senate bill entitled "An act relating to consents for bonding towns to aid in the construction of the Lake Ontario Shore railroad," reported adversely thereto, which report was agreed to.

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of non-concurrence in the passage of the same.

Mr. Smith, from the committee on railroads, to which was referred the bill entitled "An act to incorporate the Queens Railway Company," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to constitute a separate road district in the town of Palatine, in the county of Montgomery," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act relative to the widening, straightening, laying out and working of the Boston post road, Fordham avenue and the Kings Bridge road in the town of West Farms in the county of



Westchester," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to provide for the completion of certain highways in the towns of Yonkers and East Chester in the county of Westchester," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to change the grade of 136th and 137th streets, between St. Ann's avenue and Cypress avenue, in the town of Morrisania, county of Westchester," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act requiring the highway tax of the New York Central Railroad Company, through the town of Macedon, Wayne county, to be applied to the repairs of certain highways in said town," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act in relation to the highway in the town of Yonkers, known as Central road or avenue," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to repeal so much of chapter 868, Laws of 1867, as relate to non-resident land in Franklin county, and the payment of the taxes assessed and collected upon the same," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to establish a special road district in the county of Franklin, and appropriate the non-resident highway taxes therein," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend the act passed May 9, 1870, entitled 'An act to amend and extend the act entitled An act to authorize the building of a toll bridge over the Hudson river,' passed April 2, 1825, and the acts amendatory thereof, passed May 2, 1829, and January 18, 1832," reported adversely thereto; which report was agreed to.

Mr. Badeau, from the committee on roads and bridges, to which was recommitted the bill entitled "An act to amend an act to provide for widening the Coney Island plank-road, in the county of Kings, and for the subsequent management thereof," passed May 15, 1868; the committee to have power to report at any time, and the bill to retain its place on the order of third reading, reported in favor of the passage of the same with amendments, and that they have amended the title so as to read, "An act to provide for the improvement of a portion of the Coney Island Plank-road as recently widened," which report was agreed to, and said bill replaced on the calendar of third reading of bills.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend an act to incorporate the village of Mechanicville, in the county

of Saratoga, New York,' passed April 28, 1871," reported in favor of the passage of the same, with amendments, and the title amended so as to read as follows: "An act to repeal chapter 813 of the Laws of 1871, and to amend chapter 786 of the Laws of 1870, entitled 'An act to incorporate the village of Mechanicville, in the county of Saratoga, New York,' which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to provide for the appointment of police commissioners in the village of Green Island, Albany county, and to establish a police force therein,' passed April 20, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was recommitted the bill entitled "An act to amend the act entitled 'An act to provide for laying out and improving roads and avenues in the village and town of Saratoga Springs,' passed May 5, 1870," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relative to the village of Ballston Spa,' passed April 12, 1855, as amended by 'An act to amend an act entitled 'An act to amend and consolidate the several acts relative to the village of Ballston Spa,' passed May 9, 1865, and for the purpose of securing an additional supply of water for the use of said village,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on affairs of villages, to which was referred the bill entitled "An act to amend chapter 291 of the Laws of 1870, entitled 'An act for the incorporation of villages,'" reported adversely thereto, which report was agreed to.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to authorize the board of supervisors of Franklin county to assess upon the town of Fort Covington five hundred dollars for the purpose of building side-walks in said town," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was recommitted the bill entitled "An act to provide for raising by tax on the taxable property in the town of Kingsbury, Washington county, money to be applied toward the construction of a new court-house in the village of Sandy Hill, in said town," reported in favor of the passage of the same with amendments, and the title amended so as to read, "An act to authorize the town of Kingsbury, in the county of Washington to issue bonds to raise the necessary money to rebuild the court-house in said town," which report was agreed to, and said bill committed to the committee of the whole, to retain its place on general orders.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to prevent the obstruction of highways in the county of Chautauqua by the accumulation of snows therein," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.



Mr. Lynde, from the committee on internal affairs, to which was referred the Senate bill entitled "An act to lay out, open and grade Bay Ridge avenue, in the town of New Utrecht, in the county of Kings," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to provide for the adjustment of claims against the town of Danube, county of Herkimer, and to provide means for the payment of the same," reported adversely thereto; which report was agreed to.

Mr. Wiley, from the committee on internal affairs, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the New Brighton Fire Engine Company No. 4,' passed April 19, 1859," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Wiley, from the committee on internal affairs, to which was referred the bill entitled "An act to establish a receiver of taxes and to authorize the sale of lands for non-payment of taxes and for the collection of unpaid taxes in the town of Hempstead in the county of Queens," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Wiley, from the committee on internal affairs, to which was referred the bill entitled "An act to prohibit catching speckled trout in the county of Madison for the period of three years," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Mr. Wiley, from the committee on internal affairs, to which was referred the Senate bill entitled "An act relating to the town officers and local government of Newtown, in Queens county," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Tucker, from the committee on internal affairs, to which was referred the bill entitled "An act relating to the collection and deposit of moneys raised by taxation in Richmond county," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Tucker, from the committee on internal affairs, to which was referred the bill entitled "An act to incorporate the Otselic Reservoir Company in the counties of Madison and Chenango," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Tucker, from the committee on internal affairs, to which was referred the bill entitled "An act to amend the statutes in reference to the collection of taxes in the county of Suffolk," reported the same for the consideration of the House, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Tucker, from the committee on internal affairs, to which was referred the Senate bill entitled "An act to provide for the improvement of the hydraulic power of the Little Salmon river, in Franklin county, and to check freshets therein," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.



Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend an act incorporating the Ship-joiners' Benevolent Association of New York, passed April 13, 1840," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the Palette of the city of New York," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend chapter 368 of the Laws of 1865, entitled 'An act for the incorporation of societies or clubs for certain social and recreative purposes,' as amended by an act passed May 1, 1868," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the New Baltimore Lawn Cemetery Association," recommended that it be referred to the committee on local and special laws, which report was agreed to.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act in relation to the board of trustees of the general convention of Universalists in the United States of America," recommended that it be referred to the committee on local and special laws, which report was agreed to.

Mr. Goring from the committee on charitable and religious societies, to which was referred the bill entitled "An act to empower Conewango Lodge, No. 280, of the Independent Order of Odd Fellows of the State of New York, located in the village of East Randolph and county of Cattaraugus, to take, hold, lease, mortgage and convey real and personal estate, and to constitute the same a corporation," reported adversely thereto; which report was agreed to.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the Senate bill entitled "An act to incorporate the Psi Chapter of the Psi Upsilon Fraternity, in the village of Clinton, in the county of Oneida, in the State of New York," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the Senate bill entitled "An act to incorporate the National American University of Music and other Liberal Arts, in the city of New York," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the Senate bill entitled "An act to incorporate the German Evangelical Protestant Synod of the East," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to regulate places of public amusement in the city of New York," reported in favor of the passage

of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the Senate bill entitled "An act to amend an act entitled 'An act to incorporate the New York Infant Asylum,' passed March 11, 1865," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the Senate bill entitled "An act to incorporate the Board of Home Missions of the Presbyterian Church in the United States of America, and to enable the Presbyterian Board of Home Missions, formerly the Presbyterian Committee of Home Missions, to transfer its property to said new corporation, and to vest in such new corporation the corporate rights, franchises and privileges of the former body, and also to enable said new corporation to accept a transfer of the property of the Trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America, and to become the legal successor of the said last mentioned corporation," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Smiley, from the committee on public printing, to which was referred the resolution to print extra copies of the Governor's annual message, reported in favor of the adoption of the following resolution:

*Resolved*, That 3,000 copies of the Governor's annual message in English and 1,000 in German be printed for the use of the Assembly.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Squires, from the committee on banks, to which was referred the Senate bill entitled "An act to amend an act entitled 'An act to incorporate the Safe Deposit Company of the city of Rochester,' passed March 30, 1868," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Wells, from the committee on trade and manufactures, to which was referred the Senate bill entitled "An act to dissolve the New York and Richmond Granite Company," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. West, from the committee on trade and manufactures, to which was referred the petition of citizens of New York city praying for better quality of gas in the city of New York," reported adversely thereto; which report was agreed to.

Mr. West, from the committee on trade and manufactures, to which was referred the petition of Michael Maloney and others, praying for pure and cheap gas, reported adversely thereto, which report was agreed to.

Mr. West, from the committee on trade and manufactures, to which was referred the bill entitled "An act to prevent fraud in the sale of coal," reported adversely thereto, which report was agreed to.

Mr. West from the committee on trade and manufactures, to which was referred the bill entitled "An act to prevent the destruction of life by the improper use of gas," reported adversely thereto, which report was agreed to.



Mr. West, from the committee on trade and manufactures, to which was referred the bill entitled "An act for the prevention of fraud in the manufacture and sale of gold and silver ware," reported adversely thereto, which report was agreed to.

Mr. Sniper, from the committee on the militia, to which was referred the Senate bill entitled "An act to provide an armory in the city of Brooklyn, county of Kings, for the use of the twenty-third regiment of the National Guard of the State of New York," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Mr. Beckwith, from the committee on State charitable institutions, to which was referred the bill entitled "An act relative to the care and education of deaf-mutes," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Shepardson, from the committee on civil divisions, to which was referred the bill entitled "An act in relation to the alteration of town boundaries in the county of Franklin," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

On motion of Mr. Moulton, and by unanimous consent,

*Resolved*, That Assembly bill No. 310, general orders 348, entitled "An act to provide for the sale of certain market property in the city of New York," be referred back to the committee on the affairs of cities, for amendment, retaining its place on general orders

On motion of Mr. Niles, and by unanimous consent,

*Resolved*, That a committee of three be appointed, with power to call for persons and papers, to inquire and report whether any members have abused the rules and privileges of this Assembly by a preconcerted arrangement to move a call of this House within five minutes after the close of its recess, and to make such call without notice when twenty of its most laborious members were in the cloak room, ready and anxious to proceed with the public business; and also as to whether or not any of the members voting such call have been absent (without employment in the public service) at least ten full days of the session.

Mr. Ford introduced a bill entitled "An act to amend an act entitled 'An act to supply the city of Binghamton, with pure and wholesome water,' passed April 25, 1867, and the acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act in relation to the incorporation of the village of Whitney's Point," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. D. B. Hill introduced a bill entitled "An act to extend the time for the collection of taxes in the city of Elmira," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. D. B. Hill, and by unanimous consent, said bill was ordered to a third reading, and to have its third reading immediately after reading the journal.

Mr. Eastman introduced a bill entitled "An act to incorporate the Poughkeepsie Market Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.



Also, a bill entitled "An act to amend an act entitled 'An act to incorporate the Poughkeepsie Female Guardian Society,' passed April 15, 1852," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Also, a bill entitled "An act to amend 'An act authorizing the confinement of convicts from Dutchess county in the Albany penitentiary,' etc., passed April 15, 1854," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

Also, a bill entitled "An act to provide for the erection of a town hall in the town of Rhinebeck, county of Dutchess," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Alberger introduced a bill entitled "An act extending the provisions of certain laws permitting municipal corporations to aid in the construction of railroads, to the county of Erie," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Pierce introduced a bill entitled "An act making an appropriation for the improvement of the north branch of the Saranac river," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Mr. White introduced a bill entitled "An act to provide for the repavement and improvement of Henry street between Pierrepont street and Fulton street in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Bennett introduced a bill entitled "An act to alter the commissioners' map of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to amend an act entitled 'An act to provide for the improvement of Newtown creek, between Maspeth avenue and Metropolitan avenue,' passed April 12, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act to lay out, open and continue Bushwick avenue, in the town of New Lots, Kings county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act for the relief of John Lietz, of the city of Brooklyn, Kings county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on petitions of aliens.

Mr. Aitken introduced a bill entitled "An act to alter the commissioners' map of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Moseley introduced a bill entitled "An act to authorize the common council of the city of Brooklyn to open Eighth avenue from Tenth street to Greenwood cemetery," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Roche introduced a bill entitled "An act relative to the taxation of manufacturing companies and corporations doing business in the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Kennedy introduced a bill entitled "An act to amend an act to secure to creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors, passed April 13, 1860," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to incorporate the Genesee Water-works Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act to amend an act to incorporate the village of Mount Morris, passed May 2, 1835, and the several acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Also, a bill entitled "An act to amend 'An act authorizing the trustees of the village of Mount Morris to subscribe to the capital stock of the Mount Morris Water-works Company,' passed May 3, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Flammer introduced a bill entitled "An act to authorize the Temple Adas Jeshurun to hold, grant and convey real estate for cemetery purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Haight introduced a bill entitled "An act to authorize the construction of a railroad in East and West Tenth, Stuyvesant and Christopher streets, and other streets and avenues of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act to amend the charter of the New York Produce Exchange Company, and to confer powers upon said company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Hawkins introduced a bill entitled "An act authorizing the board of supervisors of the county of New York to appropriate moneys in aid of the American Female Guardian Society and Home for the Friendless, in the city of New York," which was read the first time, and by unanimous consent, was also read the second time, and referred to the committee on the affairs of cities.

Mr. Twombly introduced a bill entitled "An act to incorporate the New York Homeopathic Surgical Hospital in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Also, a bill entitled "An act in relation to the marshals in the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.



Mr. Swain introduced a bill entitled "An act to amend section 2 of chapter 203 of Laws of 1863, relating to the village of Niagara City, in the county of Niagara," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Alvord introduced a bill entitled "An act to incorporate the National Wood-working Mechanical Union of the United States of America," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trade and manufactures.

Mr. Sniper introduced a bill entitled "An act to incorporate the Soldiers' Home," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Burns introduced a bill entitled "An act in relation to plank-road and turnpike-road companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Lincoln introduced a bill entitled "An act to repeal section 2 of chapter 887 of the Laws of 1867, entitled 'An act to enable husband and wife, or either of them, to be a witness for or against the other, or on behalf of any party, in certain cases,' passed May 10, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Fort introduced a bill entitled "An act in relation to insurance companies of other states and governments doing business in this State," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

Mr. Herrick introduced a bill entitled "An act further to amend an act entitled 'An act to amend an act to prevent animals from running at large in the public highways,' passed April 23, 1862, passed May 9, 1867, passed April 29, 1869," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

Mr. Judd introduced a bill entitled "An act to alter the boundaries of the towns of Middletown and Southfield in the county of Richmond," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on civil divisions.

Mr. Houghton introduced a bill entitled "An act to repeal chapter 94 of the Laws of 1872, entitled 'An act to incorporate the Moose River Improvement Company,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Greenhalgh introduced a bill entitled "An act to increase the salary of the assessors of the city of Schenectady," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Also, a bill entitled "An act to incorporate the Schenectady Literary and Scientific Institute," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Woolsey introduced a bill entitled "An act to amend chapter 907 of the Laws of 1869, and chapter 925 of the Laws of 1871, relating to the bonding of municipal corporations to aid in the construction of railroads,"



which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on local and special laws.

Mr. Loughran introduced a bill entitled "An act in relation to the service of citations on lunatics and idiots," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Niles introduced a bill entitled "An act to incorporate the city of Yonkers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Holdridge introduced a bill entitled "An act for the relief of Seymour Saxton," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Mr. Vedder introduced a bill entitled "An act to regulate the sale of ale, beer and lager beer, and to establish a standard for the same," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

On motion of Mr. Whitbeck, and by unanimous consent,

*Resolved*, That Senate bill No. 191, general order 698, entitled "An act to authorize the comptroller of the city of New York to carry into effect certain powers and duties heretofore conferred upon the commissioners of the sinking fund of the said city," be recommitted to the committee on railroads, retaining its place on general orders.

On motion of Mr. Squires, and by unanimous consent,

*Resolved*, That Assembly bill No. 505, general order 571 entitled "An act to incorporate the New York Loan and Security Bank," be recommitted to the committee on banks, for amendment, retaining its place on general orders.

On motion of Mr. Squires, and by unanimous consent,

*Resolved*, That Assembly bill, general order 425, printed No. 383, entitled "An act to extend the Utica, Chenango and Cortland railroad," be recommitted to the committee on railroads for the purpose of amendment, and retain its place on general orders.

Mr. Jacobs offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That Assembly bill 384, general order 426, entitled "An act in relation to the Brooklyn City and Newtown Railroad Company," be considered in the first committee of the whole.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Alberger offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That Senate bill 114, general order 670, entitled "An act to establish a department of police in the city of Buffalo, and to provide for the government thereof," be ordered to the first committee of the whole.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

The House then resolved itself into a committee of the whole on the bills entitled as follows:

"An act in relation to the rate of interest upon money, and providing penalties for reserving or receiving unlawful interest."

"An act in relation to the Brooklyn City and Newtown Railroad Company."

Senate, "An act to amend an act entitled 'An act to establish a department of police in the city of Buffalo, and to provide for the government thereof,' passed April 26, 1871."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Enos, from said committee, reported progress on said first mentioned bill, and asked and obtained leave to sit again.

Mr. Enos, from said committee, also reported in favor of the passage of said second mentioned bill; which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Enos, from said committee, also reported in favor of the passage of said third mentioned bill, with amendments.

The question being on agreeing to said report,

Mr. Alberger moved to disagree with said report, and that said bill be recommitted to the committee on the affairs of cities, with instructions to strike out the amendments made in committee of the whole, and that they have leave to report at any time.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the report of the committee, and it was determined in the affirmative.

*Ordered*, That said bill be read a third time.

Mr. Houghton offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the Assembly bill, general order 451, entitled "An act to enable the legal voters of any town, county or city to determine by ballot whether the sale, exposing for sale, giving away, or suffering to be exposed, sold or given away therein of intoxicating liquors, shall be prohibited, and to provide for the enforcement of prohibition when a majority declare in favor thereof; also, to regulate the sale for medicinal, mechanical, chemical or sacramental use, and to provide for the enforcement of this act," be referred to the first committee of the whole, not full.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

On motion of Mr. Goss, at 10 o'clock and 35 minutes, the House adjourned.

THURSDAY, MARCH 28, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Schlesinger.

On motion of Mr. Jacobs, the reading of the journal of yesterday was dispensed with.

A message from the Senate was received and read, informing of concurrence in the passage of the following entitled bills:

"An act to incorporate the city of Kingston."

"An act to amend chapter 65 of the Laws of 1871, entitled 'An act to revise and consolidate the laws in relation to the village of Geneva, in the county of Ontario,' passed March 3, 1871."

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Speaker presented a communication from the common council of New York city relative to a bill before the Legislature in regard to a supply of water for the city of New York; which was read and referred to the committee on the affairs of cities.

Mr. Speaker announced the following committee on the resolution offered by Mr. Niles March 27: Messrs. Niles, Marcy and Ray.

By unanimous consent,

Mr. Alvord, from the committee on ways and means, to which was recommitted the bill entitled "An act making appropriations for certain expenses of government, and for supplying deficiencies in former appropriations," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

On motion of Mr. Alvord, and by unanimous consent, said bill was made a special order for Tuesday next, immediately after reading the journal.

By unanimous consent,

Mr. Alvord, from the committee on ways and means, to which was referred the bill entitled "An act to exempt bonds and mortgages on real estate from taxation," reported the same for the consideration of the House; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Alvord dissented from said report.

By unanimous consent, Mr. Fort presented a communication from Canal Commissioner Wright, relative to the charges made against him by certain parties, in the words following:

*To the Honorable the Legislature:*

The undersigned, Canal Commissioner of the middle division of the Erie canal, has been credibly informed that certain parties in Seneca county have been endeavoring to procure an indictment against him for official misconduct and malfeasance.

How far they may have succeeded I am not informed; but I deem it due not only to the interests of the State entrusted to my charge, but it is due alike to my private and official character that I should not rest for a moment beyond the time necessary for a thorough and complete examination of the alleged fraudulent official acts, to the end that I may be promptly called to an account and the State saved harmless, if I am guilty, or that my conduct and character may be cleared from false and unfounded charges and calumnies.

Inasmuch as no trial at bar under an indictment (if found) can be held before the coming September, I ask of your honorable body an immediate and prompt investigation, to be thorough and complete.

ALBANY, *March 26, 1872.*

WM. W. WRIGHT,  
*Canal Commissioner.*

In connection therewith, and by unanimous consent, Mr. Fort offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the standing committee on canals be instructed to investigate all charges involving the official conduct of William W. Wright,



Canal Commissioner on the Cayuga and Seneca canal, during his present term of office, and likewise any charges against John Haggerty, late superintendent of said canal, and that said committee have power to send for persons and papers, and visit the said canal if deemed necessary, in the prosecution of these inquiries, and that said committee be further instructed to report to this House with the least possible delay.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Lott, from the committee on engrossed bills, reported as correctly engrossed the bill (passed March 27) entitled as follows:

"An act to provide for the completion of lock No. 2, on the Erie canal, and to make an appropriation for said object."

Also, as correctly engrossed, the bills entitled as follows:

"An act to amend chapter 90, Laws of 1869, being an act entitled 'An act to provide for the improvement of the navigation of the Rackett river, and of the hydraulic power thereon, and to check freshets therein,' passed April 2, 1869."

"An act to erect the village of Greenville into a separate road district."

"An act to repeal so much of chapter 640, Laws of 1870, as relate to non-resident lands in the county of Franklin."

"An act to authorize the board of supervisors of the county of Westchester to purchase City Island Bridge (so-called) in said county."

"An act to legalize and confirm the official acts of William H. Ireland, a justice of the peace of the town of Coventry, in the county of Chango."

"An act to amend an act entitled 'An act for the erection and maintenance of watering troughs in the public highways,' passed April 7, 1869."

"An act to extend the time for the collection of taxes in the city of Elmira."

"An act to change and fix the number of trustees of the Attica Union Free School and Academy."

"An act releasing the interest of the State in certain lands and premises of which Maurice Roche, late of Coxsackie, in the county of Greene, died seized, and authorizing his heirs-at-law to hold and convey the same."

"An act authorizing the election of a receiver of taxes and assessments for the town and village of Saratoga Springs."

"An act to release the title and interest of the people of the State of New York in and to certain real estate in the city of Brooklyn, to Sarah Groom."

"An act to amend an act entitled 'An act to amend chapter 194 of the Laws of 1849, entitled An act to vest in the board of supervisors certain legislative powers, and to prescribe their fees for certain services,' passed April 3, 1849, passed February 2, 1871."

"An act in relation to the Brooklyn City and Newtown Railroad Company."

Also, as correctly re-engrossed, the bill entitled as follows:

"An act to provide for the improvement of a portion of the Coney Island plank-road, as recently widened."

Pursuant to the 9th joint rule, Mr. Speaker announced the order of business of third reading of bills.

The bill entitled "An act to authorize the construction of gas works and the manufacture and sale of gas for the purpose of lighting the vil-

lage of Port Jervis, Orange county, New York, and the streets, avenues and buildings therein, and to lay pipes for that purpose," being announced for a third reading,

On motion of Mr. Abbott, and by unanimous consent, said bill was amended as follows:

Section 1, line 2, printed bill, after the word "assigns" insert the words "or successors."

Same section, line 20, after the word "assigns" insert the words "or successors."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Cook        | D. B. Hill | Moulton    | Squires         |
| Aitken        | Dykeman     | Holdridge  | Murdock    | Swain           |
| Alberger      | Eastman     | Hollister  | Oakley     | M. M. Tompkins  |
| Alvord        | Enos        | Hungerford | Pell       | Tucker          |
| I. H. Babcock | Flammer     | Hyatt      | Pierce     | Twombly         |
| Badeau        | Ford        | Kennedy    | Rice       | A. L. Van Dusen |
| Baltz         | Fort        | Kilian     | Roche      | W. J. Van Dusen |
| Beckwith      | Fowler      | Kingsland  | Rose       | Vedder          |
| Bennett       | Geib        | Knettles   | Shepardson | Wells           |
| Berri         | Goss        | Lewis      | Simson     | West            |
| E. E. Brown   | Green       | Lincoln    | Smiley     | Whitbeck        |
| I. D. Brown   | Greenhalgh  | Lippitt    | Smith      | Whitaker        |
| Buckle        | Gregory     | Lynde      | Sniper     | Wiley           |
| Burns         | Hawkins     | Marcy      | Snyder     | Woodward        |
| Burritt       | A. L. Hayes | Moore      | Speaker    | Wyman           |
| Campbell      | Healy       | Moseley    | Springsted | Yeomans         |
| Chamberlain   | A. Hill     |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to incorporate the Mutual Trust Institution of the city of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 89 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |         |            |         |                 |
|---------------|---------|------------|---------|-----------------|
| Abbott        | Eastman | Holdridge  | Moseley | Speaker         |
| Aitken        | Enos    | Hollister  | Moulton | Springsted      |
| Alberger      | Fields  | Houghton   | Murdock | Squires         |
| Alvord        | Flammer | Hungerford | Niles   | Swain           |
| I. H. Babcock | Foley   | Husted     | Oakley  | Tobey           |
| Badeau        | Ford    | Jacobs     | Osgood  | M. M. Tompkins  |
| Baltz         | Fort    | Kennedy    | Pell    | Tucker          |
| Beckwith      | Fowler  | Kilian     | Preston | Twombly         |
| Bennett       | Geib    | Kingsland  | Ray     | A. L. Van Dusen |
| Berri         | Goss    | Knapp      | Rice    | W. J. Van Dusen |

|             |             |          |            |          |
|-------------|-------------|----------|------------|----------|
| Blair       | Greenhalgh  | Lewis    | Rose       | Vedder   |
| E. E. Brown | Gregory     | Lincoln  | Sage       | Wells    |
| Buckley     | Griffin     | Lippitt  | Shepardson | West     |
| Burns       | Hawkins     | Loughran | Simson     | White    |
| Campbell    | A. L. Hayes | Lynde    | Smith      | Whitaker |
| Chamberlain | Healy       | Mackay   | Smyth      | Woodward |
| Cook        | Herrick     | Marcy    | Sniper     | Wyman    |
| Dykeman     | A. Hill     | Moore    | Snyder     |          |

For the negative

Roche

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Couchman having been adjudged in contempt, appeared and rendered his excuse.

On motion of Mr. Smyth, he was purged of his contempt.

The bill entitled "An act to extend the time for the collection of taxes in the city of Elmira," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 89 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Couchman    | Healy      | Marcy      | Springsted      |
| Aitken        | Dykeman     | Herrick    | Moore      | Swain           |
| Alberger      | Eastman     | D. B. Hill | Moseley    | Tobey           |
| Alvord        | Enos        | Hollister  | Moulton    | M. M. Tompkins  |
| I. H. Babcock | Fields      | Houghton   | Murdock    | Tucker          |
| Badeau        | Flammer     | Hungerford | Oakley     | Twombly         |
| Baltz         | Ford        | Husted     | Osgood     | A. L. Van Dusen |
| Beckwith      | Fort        | Hyatt      | Preston    | W. J. Van Dusen |
| Bennett       | Fowler      | Jacobs     | Ray        | Vedder          |
| Berri         | Geib        | Kennedy    | Rose       | Wells           |
| Blair         | Goring      | Kilian     | Sage       | West            |
| E. E. Brown   | Goss        | Kingsland  | Shepardson | White           |
| I. D. Brown   | Green       | Knapp      | Simson     | Whitaker        |
| Buell         | Greenhalgh  | Lewis      | Smiley     | Woodward        |
| Burritt       | Gregory     | Lincoln    | Smith      | Woolsey         |
| Carroll       | Haight      | Lippitt    | Smyth      | Wyman           |
| Chamberlain   | Hawkins     | Lynde      | Sniper     | Yeomans         |
| Cook          | A. L. Hayes | Mackay     | Speaker    |                 |

For the negative

Pell

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to provide for the improvement of a portion of the Coney Island plank-road, as recently widened," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.



{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |             |            |                 |
|---------------|----------|-------------|------------|-----------------|
| Abbott        | Cook     | A. L. Hayes | Moore      | Swain           |
| Aitken        | Couchman | Herrick     | Moseley    | Tobey           |
| Alvord        | Enos     | D. B. Hill  | Murdock    | Tucker          |
| I. H. Babcock | Fields   | Holdridge   | Niles      | Twombly         |
| Badeau        | Flammer  | Houghton    | Osgood     | A. L. Van Dusen |
| Baltz         | Flammy   | Hungerford  | Pell       | W. J. Van Dusen |
| Beckwith      | Ford     | Husted      | Preston    | Vedder          |
| Bemus         | Fort     | Hyatt       | Rose       | Wells           |
| Berri         | Fowler   | Kilian      | Sage       | West            |
| Blair         | Geib     | Kingsland   | Smiley     | White           |
| E. E. Brown   | Goss     | Knapp       | Smith      | Whitaker        |
| Buell         | Green    | Knettles    | Smyth      | Woodward        |
| Campbell      | Gregory  | Lippitt     | Sniper     | Woolsey         |
| Carroll       | Griffin  | Lott        | Snyder     | Wyman           |
| Chamberlain   | Haight   | Mackay      | Speaker    | Yeomans         |
| Chambers      | Hawkins  | Marcy       | Springsted |                 |

*Ordered,* That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act for the protection of tax-payers against the frauds, embezzlements and wrongful acts of public officers and agents," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 90 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Cook        | D. B. Hill | Moulton    | Speaker         |
| Aitken        | Couchman    | Holdridge  | Murdock    | Squires         |
| Alberger      | Eastman     | Hollister  | Niles      | Swain           |
| Alvord        | Enos        | Houghton   | Oakley     | Tobey           |
| I. H. Babcock | Fields      | Hungerford | Osgood     | D. Tomkins      |
| Badeau        | Ford        | Husted     | Paige      | M. M. Tompkins  |
| Baltz         | Fort        | Hyatt      | Pell       | Tucker          |
| Beckwith      | Fowler      | Kingsland  | Pierce     | Twombly         |
| Bemus         | Geib        | Knapp      | Preston    | A. L. Van Dusen |
| Bennett       | Green       | Knettles   | Rice       | W. J. Van Dusen |
| Berri         | Greenhalgh  | Lewis      | Rose       | Vedder          |
| Blair         | Gregory     | Lincoln    | Sage       | Wells           |
| E. E. Brown   | Griffin     | Lippitt    | Shepardson | Whitbeck        |
| Buckley       | Haight      | Lott       | Simson     | Whitaker        |
| Burritt       | Hawkins     | Lynde      | Smiley     | Wiley           |
| Campbell      | A. L. Hayes | Mackay     | Smith      | Woodward        |
| Chamberlain   | Healy       | Moseley    | Smyth      | Woolsey         |
| Chambers      | A. Hill     | Mosher     | Sniper     | Yeomans         |

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to provide for the dissolution of religious societies, and for the sale and disposition of the proceeds of the property of such societies," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a

majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 89 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Chambers    | D. B. Hill | Mosher     | Speaker         |
| Aitken        | Couchman    | Holdridge  | Moulton    | Springsted      |
| Alvord        | Enos        | Hollister  | Murdock    | Squires         |
| D. L. Babcock | Fields      | Houghton   | Niles      | Swain           |
| I. H. Babcock | Flammer     | Hungerford | Oakley     | Tobey           |
| Baltz         | Ford        | Hyatt      | Osgood     | D. Tomkins      |
| Beckwith      | Fort        | Judd       | Paige      | M. M. Tompkins  |
| Bemus         | Fowler      | Kilian     | Preston    | Tucker          |
| Bennett       | Geib        | Kingsland  | Ray        | Twombly         |
| Berri         | Goss        | Knapp      | Rose       | A. L. Van Dusen |
| Blair         | Green       | Knettles   | Sage       | W. J. Van Dusen |
| E. E. Brown   | Greenhalgh  | Lewis      | Shepardson | Wells           |
| Buckley       | Gregory     | Lincoln    | Simson     | West            |
| Buell         | Griffin     | Lippitt    | Smiley     | Whitaker        |
| Burns         | Haight      | Lott       | Smith      | Wiley           |
| Burritt       | Hawkins     | Loughran   | Smyth      | Woodward        |
| Carroll       | A. L. Hayes | Mackay     | Sniper     | Wyman           |
| Chamberlain   | A. Hill     | Moore      | Snyder     |                 |

For the negative.

Pell

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act making appropriations for the payment of the principal and interest on the canal debt, commencing on the first day of October, 1872, and to provide for the payment of the debt contracted under section 12 of article 7 of the Constitution," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Dykeman    | D. B. Hill | Mosher     | Snyder          |
| Alberger      | Eastman    | Holdridge  | Moulton    | Speaker         |
| Alvord        | Enos       | Hollister  | Murdock    | Springsted      |
| D. L. Babcock | Fields     | Houghton   | Niles      | Squires         |
| I. H. Babcock | Foley      | Hungerford | Osgood     | Swain           |
| Baltz         | Ford       | Hyatt      | Paige      | Tobey           |
| Beckwith      | Fort       | Judd       | Pell       | D. Tomkins      |
| Bemus         | Fowler     | Kennedy    | Pierce     | Tucker          |
| Bennett       | Geib       | Kingsland  | Preston    | Twombly         |
| Blair         | Goss       | Knettles   | Ray        | A. L. Van Dusen |
| E. E. Brown   | Green      | Lewis      | Rice       | W. J. Van Dusen |
| I. D. Brown   | Greenhalgh | Lincoln    | Rose       | Wells           |
| Buell         | Gregory    | Lippitt    | Shepardson | West            |
| Burns         | Griffin    | Lott       | Simson     | Whitaker        |
| Burritt       | Haight     | Mackay     | Smith      | Woodward        |
| Carroll       | Hawkins    | Moore      | Smyth      | Wyman           |
| Chamberlain   | Healy      | Moseley    | Sniper     | Yeomans         |
| Couchman      | A. Hill    |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Husted moved to take from the table the report of the committee of conference on the Clerk's Manual, in the words following:

The conference committee on the part of the Senate and Assembly, to which was referred the resolution of the Assembly, passed February 28, 1872, in the following words, to wit:

*Resolved* (if the Senate concur), That five hundred copies of the Clerk's Manual be printed under the direction of the Clerk, with the amended joint and Assembly rules therein, for the use of the Assembly, at a price not exceeding one dollar per copy, and as amended by the Senate March 6, 1872, as follows:

Strike out the words "five hundred," and insert in lieu thereof the words "one hundred and twenty-eight;" after the word "manual" insert the words "for the use of the Assembly, and thirty-three for the use of the Senate."

Strike out the words "for the use of the Assembly."

Report that they have adopted in lieu thereof the following, viz.:

*Resolved*, That six hundred and fifty copies of the Clerk's Manual be printed under the direction of the Clerks of the Senate and Assembly, with the amended joint and Assembly rules therein, five hundred for the use of the Assembly and one hundred and fifty for the use of the Senate, at a price not exceeding one dollar per copy.

W. H. ROBERTSON,  
L. L. LEWIS,  
TOWNSEND D. COCK,  
*Senate Committee.*

JAMES W. HUSTED,  
GEO. C. BENNETT,  
AMOS V. SMILEY,  
M. M. TOMPKINS,  
GEO. H. MACKAY,  
*Assembly Committee,*

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the negative.

{ AYES 48 }  
{ NOES 61 }

Those who voted in the affirmative, were

|               |             |         |          |                |
|---------------|-------------|---------|----------|----------------|
| Abbott        | I. D. Brown | Enos    | Husted   | Roche          |
| Aitken        | Buckley     | Fields  | Knettles | Sage           |
| Alberger      | Buell       | Foley   | Loughran | Smiley         |
| D. L. Babcock | Campbell    | Goring  | Marcy    | Snyder         |
| Badeau        | Carroll     | Goss    | Moseley  | M. M. Tompkins |
| Baltz         | Chamberlain | Green   | Mosher   | Tucker         |
| Bemus         | Chambers    | Gregory | Oakley   | Wiley          |
| Bennett       | Cook        | Griffin | Pell     | Woolsey        |
| Berri         | Couchman    | Healy   | Pierce   | Yeomans        |
| Blair         | Eastman     | A. Hill |          |                |

Those who voted in the negative, were

|               |            |         |            |                 |
|---------------|------------|---------|------------|-----------------|
| Alvord        | Herrick    | Lewis   | Preston    | Tobey           |
| I. H. Babcock | D. B. Hill | Lincoln | Ray        | D. Tomkins      |
| Beckwith      | Holdridge  | Lippitt | Rice       | Twombly         |
| E. E. Brown   | Hollister  | Lott    | Rose       | A. L. Van Dusen |
| Burns         | Houghton   | Lynde   | Shepardson | W. J. Van Dusen |
| Flammer       | Hungerford | Mackay  | Smith      | Vedder          |
| Ford          | Hyatt      | Moore   | Smyth      | Wells           |
| Fort          | Jacobs     | Moulton | Sniper     | West            |
| Fowler        | Judd       | Murdock | Speaker    | Whitbeck        |
| Geib          | Kennedy    | Niles   | Springsted | White           |



|            |           |        |         |          |
|------------|-----------|--------|---------|----------|
| Greenhalgh | Kilian    | Osgood | Squires | Woodward |
| Haight     | Kingsland | Paige  | Swain   | Wyman    |
| Hawkins    |           |        |         |          |

*Ordered*, That the Clerk return said report to the Senate, with a message informing of their non-concurrence therein.

Mr. Dunphy having been adjudged in contempt, appeared and rendered his excuse.

On motion of Mr. Bennett, he was purged of his contempt.

The Senate bill entitled "An act to extend the time for the completion of the Erie and New York City railroad," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 81 }  
{ NOES 8 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Dunphy      | Holdridge  | Lynde      | Speaker         |
| Alvord        | Dykeman     | Hollister  | Marcy      | Squires         |
| D. L. Babcock | Eastman     | Houghton   | Moore      | Swain           |
| Badeau        | Enos        | Hungerford | Moulton    | Tobey           |
| Baltz         | Ford        | Hyatt      | Murdock    | D. Tomkins      |
| Beckwith      | Fort        | Jacobs     | Niles      | W. J. Van Dusen |
| Bemus         | Fowler      | Judd       | Oakley     | Wells           |
| Bennett       | Geib        | Kennedy    | Osgood     | West            |
| Berri         | Green       | Kilian     | Pierce     | Whitbeck        |
| E. E. Brown   | Greenhalgh  | Kingsland  | Preston    | White           |
| I. D. Brown   | Gregory     | Knapp      | Rose       | Whitaker        |
| Buckley       | Griffin     | Knettles   | Shepardson | Wiley           |
| Burns         | A. L. Hayes | Lewis      | Simson     | Woodward        |
| Campbell      | Healy       | Lincoln    | Smiley     | Woolsey         |
| Carroll       | Herrick     | Lippitt    | Smith      | Wyman           |
| Chamberlain   | D. B. Hill  | Lott       | Sniper     | Yeomans         |
| Chambers      |             |            |            |                 |

Those who voted in the negative, were

|               |         |      |            |        |
|---------------|---------|------|------------|--------|
| I. H. Babcock | Moseley | Ray  | Springsted | Tucker |
| Goss          | Pell    | Sage |            |        |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act releasing the interest of the people of the State of New York in certain real estate to the Five Points House of Industry," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 105 }  
{ NOES 2 }

Those who voted in the affirmative, were

|               |          |            |         |            |
|---------------|----------|------------|---------|------------|
| Abbott        | Cook     | Herrick    | Moseley | Speaker    |
| Alberger      | Couchman | A. Hill    | Mosher  | Springsted |
| Alvord        | Dunphy   | D. B. Hill | Moulton | Squires    |
| D. L. Babcock | Dykeman  | Holdridge  | Murdock | Swain      |
| I. H. Babcock | Eastman  | Hollister  | Niles   | Tobey      |
| Badeau        | Enos     | Houghton   | Oakley  | D. Tomkins |

|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| Baltz       | Fields      | Hungerford | Osgood     | Tucker          |
| Beckwith    | Flammer     | Jacobs     | Paige      | Twombly         |
| Bemus       | Foley       | Judd       | Pell       | A. L. Van Dusen |
| Bennett     | Ford        | Kennedy    | Pierce     | W. J. Van Dusen |
| Berri       | Fort        | Kingsland  | Preston    | Vedder          |
| Blair       | Fowler      | Knapp      | Ray        | Wells           |
| E. E. Brown | Geib        | Knettles   | Rice       | West            |
| Buckley     | Goring      | Lewis      | Rose       | Whitbeck        |
| Buell       | Goss        | Lincoln    | Sage       | White           |
| Burns       | Green       | Lippitt    | Shepardson | Whitaker        |
| Burritt     | Greenhalgh  | Lott       | Simson     | Wiley           |
| Campbell    | Gregory     | Mackay     | Smiley     | Woodward        |
| Carroll     | Hawkins     | Marcy      | Smith      | Woolsey         |
| Chamberlain | A. L. Hayes | Moore      | Smyth      | Wyman           |
| Chambers    | Healy       | Morton     | Sniper     | Yeomans         |

Those who voted in the negative, were

Aitken                      Griffin

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act for the appropriation of fifteen hundred dollars to repair a road across the Onondaga Indian reservation," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 92 }  
{ NOES 8 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Abbott        | Dunphy      | D. B. Hill | Moore   | Smith           |
| Alberger      | Dykeman     | Holdridge  | Morton  | Smyth           |
| Alvord        | Eastman     | Hollister  | Mosher  | Sniper          |
| I. H. Babcock | Enos        | Houghton   | Moulton | Snyder          |
| Badeau        | Flammer     | Hungerford | Murdock | Speaker         |
| Baltz         | Ford        | Husted     | Niles   | Springsted      |
| Beckwith      | Fort        | Hyatt      | Oakley  | Squires         |
| Bennett       | Fowler      | Judd       | Osgood  | Tobey           |
| Berri         | Geib        | Kennedy    | Paige   | D. Tomkins      |
| Blair         | Goss        | Kilian     | Pell    | Tucker          |
| E. E. Brown   | Greenhalgh  | Knapp      | Pierce  | Twombly         |
| Buell         | Gregory     | Knettles   | Preston | A. L. Van Dusen |
| Burns         | Griffin     | Lewis      | Ray     | W. J. Van Dusen |
| Burritt       | Haight      | Lincoln    | Rice    | West            |
| Campbell      | Hawkins     | Lott       | Rose    | Whitbeck        |
| Chamberlain   | A. L. Hayes | Lynde      | Sage    | White           |
| Chambers      | Healy       | Mackay     | Simson  | Whitaker        |
| Cook          | Herrick     | Marcy      | Smiley  | Wyman           |
| Couchman      | A. Hill     |            |         |                 |

Those who voted in the negative, were

Aitken                      Foley                      Roche                      Swain                      Woodward  
I. D. Brown              Lippitt                      Shepardson

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act for the improvement of the navigation of the Hudson river, and to make an appropriation therefor," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 87 }  
{ NOES 10 }

Those who voted in the affirmative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Alberger      | Couchman    | Holdridge  | Moseley | Smyth           |
| Alvord        | Dunphy      | Hollister  | Mosher  | Snyder          |
| D. L. Babcock | Dykeman     | Houghton   | Moulton | Snyder          |
| I. H. Babcock | Enos        | Hungerford | Murdock | Springsted      |
| Badeau        | Fields      | Jacobs     | Niles   | Squires         |
| Baltz         | Flammer     | Judd       | Oakley  | Tobey           |
| Beckwith      | Ford        | Kennedy    | Osgood  | M. M. Tompkins  |
| Bennett       | Fort        | Kilian     | Paige   | A. L. Van Dusen |
| Berri         | Fowler      | Kingsland  | Pell    | W. J. Van Dusen |
| E. E. Brown   | Geib        | Knapp      | Pierce  | Vedder          |
| Buell         | Goss        | Knettlies  | Ray     | Wells           |
| Burns         | Greenhalgh  | Lincoln    | Rice    | West            |
| Burritt       | Gregory     | Lippitt    | Rose    | Whitbeck        |
| Campbell      | Hawkins     | Lynde      | Sage    | Woodward        |
| Carroll       | A. L. Hayes | Mackay     | Simson  | Woolsey         |
| Chamberlain   | Herrick     | Marcy      | Smiley  | Wyman           |
| Chambers      | A. Hill     | Moore      | Smith   | Yeomans         |
| Cook          | D. B. Hill  |            |         |                 |

Those who voted in the negative, were

|        |         |         |         |          |
|--------|---------|---------|---------|----------|
| Abbott | Bemus   | Griffin | Preston | Twombly  |
| Aitken | Buckley | Lewis   | Roche   | Whitaker |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend the act, chapter 778 of the Laws of 1871, reappropriating certain moneys for the construction of new work upon and extraordinary repairs of the canals of this State," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Couchman   | A. Hill    | Moore      | Snyder          |
| Aitken        | Dunphy     | D. B. Hill | Moulton    | Speaker         |
| Alvord        | Enos       | Hollister  | Murdock    | Springsted      |
| D. L. Babcock | Fields     | Houghton   | Osgood     | Squires         |
| Baltz         | Flammer    | Hungerford | Paige      | Swain           |
| Beckwith      | Ford       | Hyatt      | Pell       | Tobey           |
| Bennett       | Fort       | Jacobs     | Pierce     | M. M. Tompkins  |
| Berri         | Fowler     | Judd       | Preston    | Twombly         |
| E. E. Brown   | Geib       | Kilian     | Ray        | A. L. Van Dusen |
| Buckley       | Goss       | Kingsland  | Rice       | Vedder          |
| Buell         | Greenhalgh | Knapp      | Roche      | Whitbeck        |
| Burritt       | Gregory    | Lincoln    | Rose       | Whitaker        |
| Campbell      | Griffin    | Lippitt    | Shepardson | Woodward        |
| Carroll       | Haight     | Lott       | Simson     | Woolsey         |
| Chamberlain   | Hawkins    | Lynde      | Smith      | Wyman           |
| Chambers      | Herrick    | Mackay     | Sniper     | Yeomans         |
| Cook          |            |            |            |                 |



## For the negative

I. H. Babcock

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act granting to the West Shore Land and Improvement Company further powers," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Aitken        | Enos        | Houghton   | Osgood     | Springsted      |
| Alberger      | Fields      | Hungerford | Paige      | Squires         |
| Alvord        | Flammer     | Hyatt      | Pell       | Swain           |
| I. H. Babcock | Ford        | Jacobs     | Pierce     | Tobey           |
| Badeau        | Fort        | Judd       | Preston    | M. M. Tompkins  |
| Baltz         | Fowler      | Kilian     | Ray        | Twombly         |
| Beckwith      | Geib        | Kingsland  | Rice       | A. L. Van Dusen |
| Bennett       | Goring      | Knettles   | Roche      | Vedder          |
| Berri         | Goss        | Lewis      | Rose       | Wells           |
| E. E. Brown   | Greenhalgh  | Lincoln    | Shepardson | West            |
| I. D. Brown   | Gregory     | Lippitt    | Simson     | Whitbeck        |
| Buell         | Haight      | Lott       | Smiley     | White           |
| Burns         | Hawkins     | Lynde      | Smith      | Whitaker        |
| Burritt       | A. L. Hayes | Mackay     | Smyth      | Woodward        |
| Carroll       | Healy       | Moore      | Sniper     | Woolsey         |
| Chamberlain   | Herrick     | Moulton    | Snyder     | Wyman           |
| Chambers      | A. Hill     | Murdock    | Speaker    | Yeomans         |
| Couchman      | Hollister   |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend chapter 90, Laws of 1869, being an act entitled 'An act to provide for the improvement of the navigation of the Racket river, and of the hydraulic power thereon, and to check freshets therein,' passed April 2, 1869," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 2 }

Those who voted in the affirmative, were

|               |         |            |         |                 |
|---------------|---------|------------|---------|-----------------|
| Aitken        | Dykeman | Herrick    | Mackay  | Snyder          |
| Alberger      | Eastman | A. Hill    | Moore   | Speaker         |
| Alvord        | Enos    | D. B. Hill | Moulton | Springsted      |
| D. L. Babcock | Fields  | Holdridge  | Murdock | Squires         |
| I. H. Babcock | Flammer | Hollister  | Paige   | Swain           |
| Badeau        | Foley   | Houghton   | Pell    | Tobey           |
| Baltz         | Ford    | Hyatt      | Pierce  | M. M. Tompkins  |
| Beckwith      | Fort    | Judd       | Preston | Twombly         |
| Bennett       | Fowler  | Kennedy    | Ray     | A. L. Van Dusen |
| Berri         | Goring  | Kilian     | Roche   | Whitbeck        |

|             |             |           |            |          |
|-------------|-------------|-----------|------------|----------|
| E. E. Brown | Goss        | Kingsland | Rose       | White    |
| Buckley     | Greenhalgh  | Knettles  | Sage       | Whitaker |
| Burns       | Gregory     | Lewis     | Shepardson | Woodward |
| Burritt     | Griffin     | Lincoln   | Smiley     | Woolsey  |
| Chamberlain | Hawkins     | Lippitt   | Smith      | Wyman    |
| Couchman    | A. L. Hayes | Loughran  | Sniper     | Yeomans  |

Those who voted in the negative, were

Niles                      Osgood

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to erect the village of Greenville into a separate road district," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Abbott        | Cook       | A. Hill    | Mosher  | Smyth           |
| Aitken        | Couchman   | D. B. Hill | Moulton | Snyder          |
| Alberger      | Enos       | Holdridge  | Murdock | Speaker         |
| Alvord        | Fields     | Hollister  | Niles   | Springsted      |
| D. L. Babcock | Flammer    | Houghton   | Osgood  | Squires         |
| I. H. Babcock | Ford       | Hungerford | Paige   | Tobey           |
| Badeau        | Fort       | Judd       | Pell    | Twombly         |
| Baltz         | Fowler     | Kilian     | Pierce  | A. L. Van Dusen |
| Beckwith      | Geib       | Kingsland  | Preston | West            |
| Bennett       | Goring     | Knapp      | Ray     | Whitbeck        |
| Berri         | Goss       | Knettles   | Rice    | White           |
| E. E. Brown   | Greenhalgh | Lincoln    | Roche   | Whitaker        |
| Burns         | Gregory    | Lott       | Rose    | Woodward        |
| Burritt       | Griffin    | Loughran   | Sage    | Woolsey         |
| Carroll       | Hawkins    | Mackay     | Simson  | Wyman           |
| Chamberlain   | Herrick    | Moseley    | Smith   | Yeomans         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to repeal so much of chapter 640, Laws of 1870, as relate to non-resident lands in the county of Franklin," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |         |          |            |
|---------------|-------------|---------|----------|------------|
| Abbott        | Chamberlain | Gregory | Knettles | Smiley     |
| Aitken        | Chambers    | Griffin | Lewis    | Smith      |
| Alberger      | Cook        | Haight  | Lippitt  | Smyth      |
| Alvord        | Couchman    | Hawkins | Loughran | Sniper     |
| D. L. Babcock | Dunphy      | Healy   | Lynde    | Snyder     |
| I. H. Babcock | Dykeman     | Herrick | Mackay   | Springsted |
| Badeau        | Enos        | A. Hill | Marcy    | Tobey      |

|             |            |            |         |          |
|-------------|------------|------------|---------|----------|
| Beckwith    | Fields     | D. B. Hill | Moore   | Simson   |
| Bemus       | Flammer    | Holdridge  | Moulton | Twombly  |
| Bennett     | Ford       | Hollister  | Murdock | West     |
| Blair       | Fort       | Houghton   | Osgood  | White    |
| E. E. Brown | Fowler     | Judd       | Pell    | Whitaker |
| I. D. Brown | Geib       | Kennedy    | Pierce  | Woodward |
| Buckley     | Goring     | Kilian     | Preston | Woolsey  |
| Burritt     | Green      | Kingsland  | Rose    | Wyman    |
| Campbell    | Greenhalgh | Knapp      | Sage    | Yeomans  |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the board of supervisors of the county of Westchester to purchase City Island Bridge (so called) in said county," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 75 }  
{ NOES 2 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Couchman    | Herrick    | Moore      | Snyder          |
| Alvord        | Dunphy      | A. Hill    | Morton     | Speaker         |
| I. H. Babcock | Dykeman     | Holdridge  | Moulton    | Swain           |
| Badeau        | Eastman     | Hollister  | Murdock    | M. M. Tompkins  |
| Baltz         | Enos        | Houghton   | Niles      | Twombly         |
| Beckwith      | Fowler      | Hungerford | Oakley     | A. L. Van Dusen |
| Bennett       | Geib        | Husted     | Osgood     | W. J. Van Dusen |
| Blair         | Green       | Kilian     | Paige      | West            |
| E. E. Brown   | Greenhalgh  | Knapp      | Pierce     | Whitbeck        |
| Buell         | Gregory     | Knettles   | Preston    | White           |
| Burritt       | Griffin     | Lewis      | Shepardson | Whitaker        |
| Campbell      | Haight      | Lippitt    | Simson     | Woodward        |
| Chamberlain   | Hart        | Loughran   | Smith      | Woolsey         |
| Chambers      | Haughton    | Lynde      | Smyth      | Wyman           |
| Cook          | A. L. Hayes | Mackay     | Sniper     | Yeomans         |

Those who voted in the negative, were

Rose Tucker

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act for the relief of Simon De Graff, James Conway and George W. Phelps, and to authorize the board of supervisors of the county of Livingston to audit and allow the claims of Simon De Graff, James Conway, and George W. Phelps, for constructing and repairing a bridge over the Genesee river, in the county of Livingston, and to levy a tax for the amount allowed," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

|          |          |            |       |        |
|----------|----------|------------|-------|--------|
| Alberger | Chambers | D. B. Hill | Marcy | Smith  |
| Alvord   | Cook     | Holdridge  | Moore | Sniper |



|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| D. L. Babcock | Couchman   | Houghton   | Moseley    | Snyder          |
| Badeau        | Dykeman    | Hungerford | Mosher     | Speaker         |
| Baltz         | Enos       | Husted     | Moulton    | Springsted      |
| Beckwith      | Fields     | Hyatt      | Murdock    | Swain           |
| Bennett       | Flammer    | Kennedy    | Osgood     | Tucker          |
| Berri         | Foley      | Kilian     | Paige      | Twombly         |
| Blair         | Ford       | Knapp      | Pell       | A. L. Van Dusen |
| E. E. Brown   | Fowler     | Knettles   | Pierce     | W. J. Van Dusen |
| I. D. Brown   | Geib       | Lewis      | Preston    | West            |
| Buckley       | Greenhalgh | Lincoln    | Rice       | Whitbeck        |
| Buell         | Gregory    | Lippitt    | Rose       | White           |
| Burns         | Griffin    | Lott       | Sage       | Whitaker        |
| Burritt       | Hawkins    | Loughran   | Shepardson | Woodward        |
| Carroll       | Herrick    | Lynde      | Simson     | Woolsey         |
| Chamberlain   | A. Hill    | Mackay     | Smiley     | Wyman           |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to legalize and confirm the official acts of William H. Ireland, a justice of the peace of the town of Coventry, in the county of Chenango," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Burritt     | Greenhalgh | Murdock    | D. Tomkins      |
| Aitken        | Campbell    | Griffin    | Oakley     | Tucker          |
| Alberger      | Carroll     | Hawkins    | Pierce     | Twombly         |
| Alvord        | Chamberlain | A. Hill    | Preston    | A. L. Van Dusen |
| D. L. Babcock | Chambers    | D. B. Hill | Rose       | W. J. Van Dusen |
| Badeau        | Cook        | Holdridge  | Sage       | Vedder          |
| Baltz         | Couchman    | Houghton   | Shepardson | Wells           |
| Beckwith      | Dykeman     | Husted     | Simson     | West            |
| Bennett       | Enos        | Hyatt      | Smiley     | Whitbeck        |
| Berri         | Ford        | Knettles   | Smith      | White           |
| Blair         | Fort        | Lewis      | Smyth      | Whitaker        |
| E. E. Brown   | Fowler      | Lincoln    | Snyder     | Woodward        |
| I. D. Brown   | Geib        | Loughran   | Speaker    | Woolsey         |
| Buckley       | Goring      | Mackay     | Springsted | Wyman           |
| Buell         | Goss        | Marcy      | Squires    | Yeomans         |
| Burns         | Green       | Morton     | Swain      |                 |

For the negative

Pell

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act for the erection and maintenance of watering troughs in the public highways,' passed April 7, 1869," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |             |            |                 |
|---------------|-------------|-------------|------------|-----------------|
| Abbott        | Chamberlain | Hawkins     | Moore      | Sniper          |
| Alberger      | Chambers    | A. L. Hayes | Morton     | Snyder          |
| Alvord        | Couchman    | Herrick     | Mosher     | Speaker         |
| D. L. Babcock | Dunphy      | D. B. Hill  | Moulton    | Springsted      |
| I. H. Babcock | Dykeman     | Holdridge   | Niles      | Squires         |
| Badeau        | Flammer     | Houghton    | Oakley     | Swain           |
| Baltz         | Foley       | Hyatt       | Osgood     | D. Tomkins      |
| Beckwith      | Ford        | Jacobs      | Paige      | Tucker          |
| Bennett       | Fort        | Judd        | Pell       | Twombly         |
| Berri         | Fowler      | Kilian      | Pierce     | A. L. Van Dusen |
| Blair         | Geib        | Knettles    | Ray        | W. J. Van Dusen |
| E. E. Brown   | Goss        | Lewis       | Rose       | Whitbeck        |
| I. D. Brown   | Green       | Lippitt     | Sage       | White           |
| Buckley       | Greenhalgh  | Lott        | Shepardson | Whitaker        |
| Buell         | Gregory     | Loughran    | Simson     | Woodward        |
| Burritt       | Griffin     | Lynde       | Smith      | Woolsey         |
| Campbell      | Haight      | Mackay      | Smyth      | Wyman           |
| Carroll       |             |             |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act authorizing the town of Little Valley, Cattaraugus county, to issue bonds to pay its indebtedness incurred in the building of the court-house and jail in said town," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 92 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Chamberlain | D. B. Hill | Mosher     | Sniper          |
| Aitken        | Chambers    | Holdridge  | Moulton    | Snyder          |
| Alberger      | Couchman    | Hollister  | Murdock    | Speaker         |
| Alvord        | Dunphy      | Houghton   | Niles      | Springsted      |
| D. L. Babcock | Dykeman     | Hungerford | Oakley     | Squires         |
| I. H. Babcock | Enos        | Hyatt      | Osgood     | D. Tomkins      |
| Badeau        | Flammer     | Judd       | Paige      | M. M. Tompkins  |
| Baltz         | Ford        | Kilian     | Pell       | Tucker          |
| Beckwith      | Fort        | Knapp      | Pierce     | Twombly         |
| Bennett       | Fowler      | Knettles   | Preston    | A. L. Van Dusen |
| Berri         | Green       | Lewis      | Ray        | W. J. Van Dusen |
| Blair         | Greenhalgh  | Lincoln    | Roche      | Wells           |
| E. E. Brown   | Gregory     | Lippitt    | Rose       | West            |
| I. D. Brown   | Griffin     | Lott       | Sage       | Whitbeck        |
| Buckley       | Haight      | Loughran   | Shepardson | White           |
| Buell         | Hawkins     | Lynde      | Simson     | Woodward        |
| Burritt       | A. L. Hayes | Mackay     | Smith      | Woolsey         |
| Campbell      | Healy       | Moore      | Smyth      | Wyman           |
| Carroll       | Herrick     |            |            |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to change and fix the number of trustees of the Attica Union Free School and Academy," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Chambers    | Healy      | Mosher     | Sniper          |
| Aitken        | Cook        | D. B. Hill | Moulton    | Snyder          |
| Alberger      | Couchman    | Holdridge  | Murdock    | Speaker         |
| Alvord        | Dykeman     | Houghton   | Oakley     | Springsted      |
| D. L. Babcock | Enos        | Husted     | Paige      | Squires         |
| I. H. Babcock | Flammer     | Hyatt      | Pell       | Tucker          |
| Baltz         | Ford        | Jacobs     | Pierce     | Twombly         |
| Beckwith      | Fort        | Judd       | Preston    | A. L. Van Dusen |
| Bennett       | Fowler      | Knapp      | Ray        | W. J. Van Dusen |
| Berri         | Geib        | Knettles   | Rice       | Wells           |
| Blair         | Goring      | Lewis      | Roche      | West            |
| E. E. Brown   | Green       | Lincoln    | Rose       | Whitbeck        |
| I. D. Brown   | Greenhalgh  | Lippitt    | Sage       | White           |
| Burns         | Gregory     | Lott       | Shepardson | Whitaker        |
| Burritt       | Griffin     | Loughran   | Simson     | Woodward        |
| Campbell      | Hawkins     | Lynde      | Smith      | Woolsey         |
| Chamberlain   | A. L. Hayes | Mackay     | Smyth      | Wyman           |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act releasing the interest of the State in certain lands and premises of which Maurice Roche, late of Coxsackie, in the county of Greene, died seized, and authorizing his heirs-at-law to hold and convey the same," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 93 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Couchman    | A. Hill    | Mosher     | Sniper          |
| Alberger      | Dykeman     | D. B. Hill | Moulton    | Snyder          |
| Alvord        | Eastman     | Hollister  | Murdock    | Speaker         |
| D. L. Babcock | Enos        | Houghton   | Niles      | Springsted      |
| I. H. Babcock | Flammer     | Husted     | Oakley     | Squires         |
| Badeau        | Foley       | Hyatt      | Osgood     | Swain           |
| Baltz         | Ford        | Judd       | Paige      | M. M. Tompkins  |
| Beckwith      | Fort        | Kennedy    | Pierce     | Tucker          |
| Bennett       | Fowler      | Kilian     | Preston    | Twombly         |
| Berri         | Goss        | Knettles   | Ray        | A. L. Van Dusen |
| Blair         | Green       | Lewis      | Rice       | W. J. Van Dusen |
| E. E. Brown   | Greenhalgh  | Lincoln    | Roche      | West            |
| I. D. Brown   | Gregory     | Lippitt    | Rose       | Whitbeck        |
| Buell         | Griffin     | Lott       | Sage       | White           |
| Burns         | Haight      | Loughran   | Shepardson | Whitaker        |
| Campbell      | Hawkins     | Lynde      | Smiley     | Woodward        |
| Carroll       | A. L. Hayes | Mackay     | Smith      | Woolsey         |
| Chamberlain   | Healy       | Marcy      | Smyth      | Wyman           |
| Chambers      | Herrick     | Moore      |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.



The bill entitled "An act authorizing the election of a receiver of taxes and assessments for the town and village of Saratoga Springs," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Dykeman     | A. Hill    | Moulton    | Springsted      |
| Aitken        | Enos        | D. B. Hill | Murdock    | Squires         |
| Alberger      | Flammer     | Holdridge  | Osgood     | Swain           |
| Alvord        | Foley       | Houghton   | Paige      | M. M. Tompkins  |
| D. L. Babcock | Ford        | Hyatt      | Preston    | Tucker          |
| Badeau        | Fort        | Judd       | Ray        | Twombly         |
| Baltz         | Fowler      | Kennedy    | Rice       | A. L. Van Dusen |
| Beckwith      | Geib        | Kilian     | Roche      | W. J. Van Dusen |
| Bennett       | Goss        | Knettles   | Rose       | Wells           |
| Berri         | Green       | Lewis      | Shepardson | West            |
| Blair         | Greenhalgh  | Lincoln    | Simson     | Whitbeck        |
| E. E. Brown   | Gregory     | Lippitt    | Smiley     | White           |
| Burns         | Griffin     | Lott       | Smith      | Whitaker        |
| Burritt       | Hawkins     | Loughran   | Smyth      | Woodward        |
| Couchman      | A. L. Hayes | Mackay     | Sniper     | Woolsey         |
| Crandall      | Healy       | Moore      | Snyder     | Wyman           |
| Dunphy        | Herrick     | Mosher     | Speaker    |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to release the title and interest of the people of the State of New York in and to certain real estate in the city of Brooklyn, to Sarah Groom," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 99 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Couchman    | Healy      | Moore      | Sniper          |
| Aitken        | Crandall    | Herrick    | Moseley    | Snyder          |
| Alberger      | Dunphy      | A. Hill    | Mosher     | Speaker         |
| Alvord        | Dykeman     | D. B. Hill | Moulton    | Springsted      |
| D. L. Babcock | Eastman     | Holdridge  | Murdock    | Squires         |
| I. H. Babcock | Enos        | Hollister  | Niles      | Swain           |
| Badeau        | Flammer     | Houghton   | Osgood     | M. M. Tompkins  |
| Baltz         | Foley       | Hungerford | Paige      | Tucker          |
| Beckwith      | Ford        | Hyatt      | Pell       | Twombly         |
| Bennett       | Fort        | Jacobs     | Pierce     | A. L. Van Dusen |
| Berri         | Fowler      | Judd       | Preston    | W. J. Van Dusen |
| Blair         | Geib        | Kennedy    | Ray        | Wells           |
| E. E. Brown   | Goss        | Kilian     | Rice       | West            |
| I. D. Brown   | Green       | Knettles   | Rose       | Whitbeck        |
| Buell         | Greenhalgh  | Lewis      | Sage       | Whitaker        |
| Burns         | Gregory     | Lott       | Shepardson | Woodward        |
| Carroll       | Griffin     | Loughran   | Simson     | Woolsey         |
| Chamberlain   | Haight      | Lynde      | Smiley     | Wyman           |
| Chambers      | Hawkins     | Mackay     | Smith      | Yeomans         |
| Cook          | A. L. Hayes | Marcy      | Smyth      |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to amend chapter 194 of the Laws of 1849, entitled An act to vest in the boards of supervisors certain legislative powers, and to prescribe their fees for certain services,' passed April 3, 1849, passed February 2, 1871," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 94 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Cook       | Hawkins    | Marcy      | Sniper          |
| Aitken        | Couchman   | Healy      | Morton     | Snyder          |
| Alberger      | Crandall   | Herrick    | Mosher     | Speaker         |
| Alvord        | Dunphy     | D. B. Hill | Moulton    | Springsted      |
| D. L. Babcock | Dykeman    | Holdridge  | Murdock    | Squires         |
| I. H. Babcock | Eastman    | Hollister  | Niles      | Swain           |
| Badeau        | Enos       | Houghton   | Paige      | M. M. Tompkins  |
| Baltz         | Flammer    | Hyatt      | Pell       | Twombly         |
| Beckwith      | Foley      | Jacobs     | Pierce     | A. L. Van Dusen |
| Bemus         | Ford       | Judd       | Preston    | W. J. Van Dusen |
| Bennett       | Fort       | Kennedy    | Ray        | Vedder          |
| Berri         | Fowler     | Kilian     | Rice       | Wells           |
| Blair         | Geib       | Kingsland  | Rose       | White           |
| E. E. Brown   | Goss       | Knettles   | Sage       | Whitaker        |
| Buell         | Green      | Lewis      | Shepardson | Woodward        |
| Burritt       | Greenhalgh | Lott       | Simson     | Woolsey         |
| Carroll       | Gregory    | Loughran   | Smiley     | Wyman           |
| Chamberlain   | Griffin    | Lynde      | Smith      | Yeomans         |
| Chambers      | Haight     | Mackay     | Smyth      |                 |

For the negative

Moore

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act in relation to the Brooklyn City and Newtown Railroad Company," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |             |         |                 |
|---------------|----------|-------------|---------|-----------------|
| Abbott        | Couchman | A. L. Hayes | Lynde   | Smith           |
| Aitken        | Crandall | Healy       | Mackay  | Smyth           |
| Alvord        | Dykeman  | Herrick     | Marcy   | Snyder          |
| D. L. Babcock | Eastman  | A. Hill     | Moore   | Speaker         |
| I. H. Babcock | Enos     | D. B. Hill  | Morton  | Springsted      |
| Badeau        | Flammer  | Holdridge   | Mosher  | Squires         |
| Baltz         | Ford     | Hollister   | Murdock | Swain           |
| Beckwith      | Fort     | Houghton    | Niles   | Twombly         |
| Bennett       | Fowler   | Husted      | Paige   | W. J. Van Dusen |

|             |            |          |            |          |
|-------------|------------|----------|------------|----------|
| Berri       | Geib       | Jacobs   | Pell       | West     |
| Blair       | Goring     | Judd     | Pierce     | Whitbeck |
| E. E. Brown | Goss       | Kilian   | Preston    | Whitaker |
| Buell       | Green      | Knapp    | Ray        | Wiley    |
| Burritt     | Greenhalgh | Knettles | Rice       | Woodward |
| Carroll     | Gregory    | Lincoln  | Rose       | Woolsey  |
| Chamberlain | Griffin    | Lippitt  | Shepardson | Wyman    |
| Chambers    | Haight     | Lott     | Simson     | Yeomans  |
| Cook        | Hawkins    | Loughran | Smiley     |          |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to amend an act entitled 'An act to establish a department of police in the city of Buffalo, and to provide for the government thereof,' passed April 26, 1871," being announced for a third reading,

On motion of Mr. Baltz, and by unanimous consent, said bill was amended as follows:

Insert in section 11, after the words "twenty-five hundred dollars" at the end of the fourth line of the amendment made last night, the words "the clerk of police shall receive an annual salary of fifteen hundred dollars."

Said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 18 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Eastman     | D. B. Hill | Marcy      | Sniper          |
| Alberger      | Enos        | Holdridge  | Moore      | Snyder          |
| Alvord        | Flammer     | Hollister  | Morton     | Speaker         |
| D. L. Babcock | Ford        | Houghton   | Moulton    | Squires         |
| I. H. Babcock | Fort        | Husted     | Murdock    | Swain           |
| Badeau        | Fowler      | Hyatt      | Niles      | Twombly         |
| Baltz         | Geib        | Judd       | Osgood     | W. J. Van Dusen |
| Beckwith      | Goring      | Kennedy    | Pierce     | Vedder          |
| Bemus         | Goss        | Kilian     | Preston    | Wells           |
| Bennett       | Green       | Knapp      | Rice       | Whitbeck        |
| Berri         | Greenhalgh  | Knettles   | Rose       | White           |
| E. E. Brown   | Gregory     | Lewis      | Sage       | Whitaker        |
| I. D. Brown   | Griffin     | Lincoln    | Shepardson | Woodward        |
| Burns         | Haight      | Lippitt    | Simson     | Woolsey         |
| Burritt       | Hawkins     | Lott       | Smiley     | Wyman           |
| Crandall      | A. L. Hayes | Lynde      | Smith      | Yeomans         |
| Dykeman       | Herrick     | Mackay     | Smyth      |                 |

Those who voted in the negative, were

|         |             |          |         |       |
|---------|-------------|----------|---------|-------|
| Aitken  | Carroll     | Couchman | A. Hill | Paige |
| Blair   | Chamberlain | Dunphy   | Jacobs  | Ray   |
| Buckley | Chambers    | Foley    | Moseley | Wiley |
| Buell   | Cook        | Healy    |         |       |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same, with an amendment.

On motion of Mr. Burritt, and by unanimous consent, the bill entitled "An act to legalize the vote of the legal voters of the town of Greece, in



the county of Monroe, held March 5, 1872, to raise money in aid of the Lake Ontario Shore Railroad Company, and to authorize the board of supervisors to levy a tax to raise the same," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |             |             |            |                 |
|---------------|-------------|-------------|------------|-----------------|
| Abbott        | Chamberlain | Hawkins     | Mackay     | Sniper          |
| Aitken        | Cook        | A. L. Hayes | Moore      | Snyder          |
| Alberger      | Couchman    | Healy       | Mosher     | Speaker         |
| Alvord        | Crandall    | Herrick     | Murdock    | Springsted      |
| I. H. Babcock | Dunphy      | D. B. Hill  | Niles      | Squires         |
| Badeau        | Dykeman     | Hollister   | Paige      | Swain           |
| Baltz         | Eastman     | Houghton    | Pierce     | M. M. Tompkins  |
| Beckwith      | Enos        | Husted      | Preston    | Twombly         |
| Bennett       | Flammer     | Jacobs      | Rice       | A. L. Van Dusen |
| Berri         | Ford        | Kennedy     | Rice       | Vedder          |
| E. E. Brown   | Fort        | Kilian      | Rose       | Wells           |
| I. D. Brown   | Goring      | Knapp       | Sage       | West            |
| Buckley       | Goss        | Knettles    | Shepardson | Whitbeck        |
| Buell         | Green       | Lewis       | Simson     | White           |
| Burritt       | Greenhalgh  | Lincoln     | Smiley     | Woodward        |
| Campbell      | Gregory     | Lott        | Smith      | Wyman           |
| Carroll       | Griffin     | Lynde       | Smyth      | Yeomans         |

For the negative

Foley

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Speaker then announced the special order, being the bills entitled as follows:

"An act to amend an act entitled 'An act to incorporate the New York City Central Underground Railway company, and to authorize the said company to construct and operate a certain underground railway in the city of New York,' passed April 17, 1868, being chapter 230 of the Laws of 1868, and the act amending the same, passed May 11, 1869, being chapter 824 of the Laws of 1869."

Senate, "An act supplemental to and amendatory of chapter 842 of the Laws of 1868, an act entitled 'An act to provide for the transmission of letters, packages and merchandise in the cities of New York and Brooklyn, and across the North and East rivers, by means of pneumatic tubes, to be constructed beneath the surface of the streets, squares, avenues and public places in said cities, and under the waters of said rivers,' passed June 1, 1868; and of chapter 512 of the Laws of 1869, entitled 'An act supplementary to chapter 842 of the Laws of 1868, in relation to carrying letters, packages and merchandise, by means of pneumatic tubes, in New York and Brooklyn, and to provide for the transportation of passengers in said tubes.'"

The House then resolved itself into a committee of the whole on the above entitled bills.

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Kennedy, from said committee, reported progress on said first mentioned bill, and asked leave to sit again.

Mr. Alvord moved that the two bills which were made the special order for to-day, be made a special order for this evening.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Rose presented the report of the sub-committee of the whole; which was laid on the table and ordered printed.

(See *Doc. No.* 120.)

Leave of absence was granted to Mr. D. Tomkins, indefinitely, on account of sickness.

On motion of Mr. Pell, at 2 o'clock and 10 minutes, the House took a recess until 7½ o'clock.

## HALF-PAST SEVEN O'CLOCK P. M.

The House again met.

Mr. Moseley, from the committee on engrossed bills, reported as correctly engrossed the bill (passed March 28) entitled as follows:

"An act to legalize the vote of the legal voters of the town of Greece, in the county of Monroe, held March 5, 1872, to raise money in aid of the Lake Ontario Shore Railroad Company, and to authorize the board of supervisors to levy a tax to raise the same."

The Senate returned the following entitled bill, with a message that they had passed the same:

"An act providing for additional compensation to deputies, clerks, and assistants in the various departments of the State government."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Senate returned the bills entitled as follows:

"An act to incorporate the Importers' and Grocers' Board of Trade of the city of New York."

"An act in relation to the Chemung Railroad Company."

"An act to extend the time for organizing the Niagara Water-works Company."

*Ordered*, That the Clerk deliver said bills to the Governor.

The private secretary of the Governor appeared in the Assembly chamber and presented a communication from the Governor in the words following:

EXECUTIVE CHAMBER, }  
ALBANY, March 28, 1872. }

*To the Assembly:*

I return, without approval, Assembly bill No. 77, entitled "An act in relation to non-resident highway taxes upon certain lands in the counties of Hamilton and Warren."

The bill provides that the county treasurers of Hamilton and Warren counties shall pay over to the Comptroller the amount of any highway taxes assessed upon townships Nos. 3, 9, 10, 11 and 29, in Totten and Crossfield's purchase in the counties of Hamilton and Warren, which townships are by the bill made a road district, and that the Comptroller shall pay such moneys over to certain commissioners named in the bill, to be expended upon the road from Washington Craig's, in the town of Wells, Hamilton county, to Rollin Russell's, in the town of Johnsburgh, Warren county.

Township No. 3 is distant more than five miles from the town of Wells, taking a direct line from the points in each nearest to each other. The road begins at some point in the town of Wells and runs continually farther and farther from township No. 3. There can be no propriety in the taxes assessed on this township being applied to the proposed road. Moreover, the eastern portion of township No. 9, the whole of township No. 10, and part of 29 are already subject to an assignment of their non-resident highway taxes to the purposes of a special road by the provisions of chapter 507 of the Laws of 1867. The repealing clause in this bill will not serve to avoid complication.

The commissioners are required by the bill to account to the Comptroller, and yet to give bonds to the county treasurer of Hamilton county. Vacancies occurring among them are to be filled by the county treasurer of Hamilton county. It seems to me proper that the vacancies should be filled by the Comptroller, as is provided in similar acts on the statute book.

The special laws so often passed in relation to roads in this region of our State are becoming complicated, and it is very difficult, with the changes that are from time to time made in enlarging or diminishing the area, the taxes of which are to be applied to special road purposes and in partially repealing the provisions of one act by some subsequent law, for the Comptroller to administer them. This class of legislation should not be encouraged; but the roads should be left to be worked out as best they may under general laws and under the regular authorities.

JOHN T. HOFFMAN.

On motion of Mr. Rose, said message was laid upon the table.

Mr. Speaker presented the annual report of the Eclectic Medical Society; which was laid on the table and ordered printed.

(See *Doc. No. 120.*)

Mr. Lincoln moved that the vote on the final passage of the bill entitled "An act to amend chapter 195 of the Laws of 1846, entitled 'An act to authorize the New York and New Haven Railroad Company, to extend their railroad from the Connecticut line to the New York and Harlem railroad,' passed May 11, 1846," be reconsidered, and that that motion be laid on the table.

Mr. Speaker put the question whether the House would agree to said motion to lay on the table, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said motion to reconsider, and it was determined in the negative.

{ AYES 18 }  
{ NOES 80 }

Those who voted in the affirmative, were

|          |          |          |            |          |
|----------|----------|----------|------------|----------|
| Aitken   | Cook     | Knapp    | Pierce     | Smith    |
| Blair    | Couchman | Lincoln  | Roche      | Tucker   |
| Buckley  | Griffin  | Loughran | Shepardson | Whitaker |
| Chambers | A. Hill  | Pell     |            |          |

Those who voted in the negative, were

|               |            |           |         |                 |
|---------------|------------|-----------|---------|-----------------|
| Alberger      | Ford       | Hollister | Morton  | Speaker         |
| Alvord        | Fort       | Houghton  | Moseley | Springsted      |
| D. L. Babcock | Fowler     | Husted    | Mosher  | Squires         |
| I. H. Babcock | Geib       | Jacobs    | Moulton | Swain           |
| Badeau        | Goring     | Judd      | Murdock | M. M. Tompkins  |
| Baltz         | Goss       | Kennedy   | Niles   | Twombly         |
| Bennett       | Greenhalgh | Kilian    | Oakley  | A. L. Van Dusen |



|             |             |           |         |                 |
|-------------|-------------|-----------|---------|-----------------|
| E. E. Brown | Gregory     | Kingsland | Paige   | W. J. Van Dusen |
| Buell       | Haight      | Knettles  | Preston | Wells           |
| Burns       | Haughton    | Lewis     | Ray     | West            |
| Burritt     | Hawkins     | Lippitt   | Rice    | Whitbeck        |
| Crandall    | A. L. Hayes | Lott      | Rose    | White           |
| Dunphy      | Healy       | Lynde     | Sage    | Woodward        |
| Dykeman     | Herrick     | Mackay    | Smiley  | Woolsey         |
| Eastman     | D. B. Hill  | Marcy     | Smyth   | Wyman           |
| Flammer     | Holdridge   | Moore     | Snyder  | Yeomans         |

By unanimous consent, Mr. Preston offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved* (if the Senate concur), That a respectful message be sent to His Excellency the Governor, requesting him to return to this House, for the purpose of amendment, Assembly bill entitled "An act to amend an act to authorize the village of Dunkirk to issue bonds for the purpose of supplying said village with water and to create a board of water commissioners, passed April 13, 1872."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

Mr. Speaker then announced the special order.

Whereupon the House then resolved itself into a committee of the whole on the bills entitled as follows:

"An act to amend an act entitled 'An act to incorporate the New York City Central Underground Railway Company, and to authorize the said company to construct and operate a certain underground railway in the city of New York,' passed April 17, 1868, being chapter 230 of the Laws of 1868, and the act amending the same, passed May 11, 1869, being chapter 824 of the Laws of 1869."

Senate, "An act supplemental to, and amendatory of, chapter 842 of the Laws of 1868, an act entitled 'An act to provide for the transmission of letters, packages, and merchandise in the cities of New York and Brooklyn, and across the North and East rivers, by means of pneumatic tubes to be constructed beneath the surface of the streets, squares, avenues, and public places in said cities, and under the waters of said rivers,' passed June 1, 1868; and of chapter 512 of the Laws of 1869, entitled 'An act supplementary to chapter 842 of the Laws of 1868, in relation to carrying letters, packages, and merchandise, by means of pneumatic tubes, in New York and Brooklyn, and to provide for the transportation of passengers in said tubes.'"

And after some time spent therein, the Speaker resumed the chair, and Mr. Kennedy, from said committee, reported progress on said bills, and asked and obtained leave to sit again.

By unanimous consent, Mr. Jacobs offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the vote agreeing to the adverse report of the railroad committee on Senate bill entitled "An act relating to consents for bonding towns to aid in the construction of the Lake Ontario Shore railroad," be reconsidered, and that that motion lay on the table.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Husted moved that the bill known as the "Central Underground railroad bill," and the bill known as the "Beach Pneumatic railway bill," be made a special order for to-morrow morning immediately after reading the journal.

Mr. Moseley moved to strike out that portion of said motion relative to the Beach Pneumatic railroad.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Moseley, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Husted, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Vedder moved to reconsider the vote agreeing to the adverse report of the committee on railroads, made yesterday, on the bill entitled "An act to amend chapter 917 of the Laws of 1869, entitled 'An act authorizing the consolidation of certain railroads.'"

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The question being on agreeing to said report,

Mr. Vedder moved to disagree with said report, and that said bill be committed to the committee of the whole.

On motion of Mr. Campbell, at 11 o'clock the House adjourned.

## FRIDAY, MARCH 29, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Pohlman.

On motion of Mr. Jacobs, the reading of the journal of yesterday was dispensed with.

By unanimous consent, Mr. I. D. Brown, offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved* (if the Senate concur), That a respectful message be sent to His Excellency, the Governor, requesting him to return for amendment Assembly bill No. 111, entitled "An act to amend an act passed May 9, 1868, entitled 'An act to amend section 3, of chapter 817, of the Laws of 1866, entitled An act to lay out and construct a road from the river road in township No. 14, in the town of Johnsburgh, to the Carthage road near the head of Long lake in the county of Hamilton.'"

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

Mr. Lincoln, from a committee of conference, reported as follows:

The committee of conference to which the matters in difference between the two Houses on the bill entitled "An act in relation to the village of Canandaigua, and to provide a police justice and police constables in said village, and defining their jurisdiction, powers and duties," reported that they have had the same under consideration and have agreed to recommend that the Senate do recede from their amendments to said bill.

WM. JOHNSON,  
GEO. BOWEN,  
W. S. DICKINSON,  
*Senate Committee.*

C. S. LINCOLN,  
G. A. GOSS,  
J. B. DYKEMAN,  
M. M. TOMPKINS,  
DOMINICK H. ROCHE,  
*Assembly Committee.*

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

*Ordered,* That the Clerk deliver said report to the Senate, with a message informing that the Assembly have agreed to the same.

By unanimous consent, Mr. Wyman introduced a bill entitled "An act to incorporate Mannsville Lodge, No. 175, Independent Order of Odd Fellows, at Mannsville, New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Speaker then announced the special order, being the bill known as the "New York City Central Underground railway bill."

Mr. Husted then moved that the bill known as the "Beach Pneumatic railway bill," be considered in the same committee with the special order now under consideration.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative, two-thirds of all the members present not voting in favor thereof.

{ AYES 68 }  
{ NOES 41 }

Those who voted in the affirmative, were

|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| Alberger    | Dykeman     | Hungerford | Murdock    | Swain           |
| Badeau      | Eastman     | Husted     | Niles      | Tucker          |
| Baltz       | Flammer     | Hyatt      | Osgood     | Twombly         |
| Beckwith    | Ford        | Jacobs     | Pell       | A. L. Van Dusen |
| Berri       | Fowler      | Kennedy    | Pierce     | W. J. Van Dusen |
| E. E. Brown | Goss        | Kingsland  | Sage       | Wells           |
| I. D. Brown | Green       | Knapp      | Shepardson | Whitbeck        |
| Buckley     | Gregory     | Knettles   | Smiley     | White           |
| Burns       | Griffin     | Lincoln    | Smith      | Whitaker        |
| Burritt     | A. L. Hayes | Lippitt    | Smyth      | Wiley           |
| Carroll     | Herrick     | Lott       | Sniper     | Woolsey         |
| Chamberlain | A. Hill     | Loughran   | Snyder     | Wyman           |
| Chambers    | Holdridge   | Morton     | Springsted | Yeomans         |
| Couchman    | Hollister   | Moulton    |            |                 |

Those who voted in the negative, were

|               |            |            |         |                |
|---------------|------------|------------|---------|----------------|
| Abbott        | Dunphy     | Haughton   | Mackay  | Roche          |
| Aitken        | Enos       | Hawkins    | Marcy   | Rose           |
| Alvord        | Foley      | Healy      | Moore   | Simson         |
| D. L. Babcock | Fort       | D. B. Hill | Moseley | Speaker        |
| I. H. Babcock | Geib       | Houghton   | Mosher  | Tobey          |
| Bennett       | Goring     | Judd       | Paige   | M. M. Tompkins |
| Blair         | Greenhalgh | Kilian     | Preston | Vedder         |
| Cook          | Haight     | Lewis      | Ray     | Woodward       |
| Crandall      |            |            |         |                |

The House again resolved itself into a committee of the whole on the bill entitled as follows:

"An act to amend an act entitled 'An act to incorporate the New York City Central Underground Railway Company, and to authorize the said company to construct and operate a certain underground railway in the city of New York,' passed April 17, 1868, being chapter 230 of the Laws of 1868, and the act amending the same, passed May 11, 1869, being chapter 824 of the Laws of 1869."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Kennedy, from said committee, reported in favor of the passage of said bill, with amendments.



The question being on agreeing to said report,

Mr. Roche moved to amend said report by inserting in said bill the words: "In the construction of said roadway, either by the company or any person or contractor under the authority of said company, eight hours shall be held and construed to be a full day's work, for which the same compensation shall be paid as for a day's work of ten hours," the same having been offered by him in committee of the whole.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

{ AYES 35 }  
{ NOES 76 }

Those who voted in the affirmative, were

|          |         |            |         |                |
|----------|---------|------------|---------|----------------|
| Aitken   | Cook    | Haughton   | Judd    | Pell           |
| Bennett  | Dunphy  | Hawkins    | Lewis   | Roche          |
| Berri    | Fields  | J. Hayes   | Mackay  | Rose           |
| Blair    | Flammer | Healy      | Moseley | M. M. Tompkins |
| Buell    | Foley   | D. B. Hill | Niles   | Twombly        |
| Campbell | Goss    | Husted     | Oakley  | Vedder         |
| Carroll  | Griffin | Jacobs     | Paige   | Whitbeck       |
| Chambers |         |            |         |                |

Those who voted in the negative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Dykeman    | Houghton   | Mosher     | Speaker         |
| Alberger      | Eastman    | Hungerford | Moulton    | Springsted      |
| Alvord        | Enos       | Kennedy    | Murdock    | Swain           |
| D. L. Babcock | Ford       | Kilian     | Osgood     | Tobey           |
| I. H. Babcock | Fort       | Kingsland  | Pierce     | Tucker          |
| Badeau        | Fowler     | Knapp      | Preston    | A. L. Van Dusen |
| Baltz         | Geib       | Knettlies  | Prince     | W. J. Van Dusen |
| Beckwith      | Green      | Lincoln    | Ray        | Wells           |
| E. E. Brown   | Greenhalgh | Lippitt    | Sage       | White           |
| I. D. Brown   | Gregory    | Lott       | Shepardson | Whitaker        |
| Buckley       | Haight     | Loughran   | Simson     | Wiley           |
| Burns         | Herrick    | Lynde      | Smith      | Woodward        |
| Burritt       | A. Hill    | Marcy      | Smyth      | Woolsey         |
| Chamberlain   | Holdridge  | Moore      | Sniper     | Wyman           |
| Couchman      | Hollister  | Morton     | Snyder     | Yeomans         |
| Crandall      |            |            |            |                 |

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative.

*Ordered*, That said bill be engrossed for a third reading.

Mr. White presented a remonstrance against a railroad through West Twenty-third street, New York; which was read and referred to the committee on railroads.

Messrs. Berri, Bennett, Aitken, Moseley and White, severally, presented petitions of tax-payers of Brooklyn for increase of pay of firemen, stokers and drivers of the Brooklyn fire department; which were read and committed to the committee of the whole.

Messrs. Twombly, Geib, Mackay, Paige, Cook, Blair, Killian, Whitbeck, Hawkins, Springsted, Campbell, Moulton and Niles, severally, presented remonstrances of large numbers of the citizens of New York city against the repeal of the water bill of 1871; which were read and referred to the committee on the affairs of cities.

Messrs. Hart, Springsted, Shepardson, Kennedy, Hungerford, Beckwith, Burritt, Lewis, White, Wyman, Woodward, Fowler and Houghton, severally, presented petitions of citizens of different portions of the

State for local prohibition and the passage of the Ohio liquor law ; which were read and committed to the committee of the whole.

Mr. Bennett presented a petition of John Leitz, of Kings county, for relief ; which was read and referred to the committee on the petitions of aliens.

Mr. Judd presented a petition of eleven hundred Staten Islanders, asking for amendments to the oyster act ; which was read and referred to the committee on internal affairs.

Mr. White presented a remonstrance of owners of property on Myrtle avenue, Brooklyn, against the passage of an act for the improvement of Myrtle avenue ; which was read and referred to the committee on the affairs of cities.

Mr. M. M. Tompkins presented a remonstrance of many citizens of Columbia county, against increase of supervisors in the city of Hudson ; which was read and committed to the committee of the whole.

Mr. Lincoln presented a petition for amendments to the salt laws of 1859 ; which was read and referred to the committee on the manufacture of salt.

Mr. Springsted presented the petition of fifty citizens of Albany for a change in the prison system of this State, and for a constitutional amendment in behalf of prison reform ; which was read and referred to the committee on State prisons.

Mr. Ford presented the petition of members of the bar of Broome county in relation to compensation of county judges and surrogates ; which was read and referred to the committee on the judiciary.

Also, the petition of citizens of Binghamton, Broome county, asking for an amendment to the Constitution as now recommended by the New York Prison Association ; which was read and referred to the committee on State prisons.

Messrs. A. L. Van Dusen and Ford presented two petitions of citizens of different portions of the State in relation to freight on railroads ; which were read and referred to the committee on railroads.

Mr. I. D. Brown presented a memorial of Edmond Elphes, asking pay for 750 days and 912 nights of labor in the State Lunatic Asylum at Utica, for which he has received no compensation ; which was read and referred to the committee on ways and means.

Mr. Ford presented a petition of citizens of Binghamton, Broome county, asking for an amendment to the Constitution relative to State prisons ; which was read and referred to the committee on State prisons.

Also, a petition of the president and trustees of the village of Whitney's Point, Broome county, in relation to the incorporation of said village ; which was read and referred to the committee on the affairs of villages.

Mr. Loughran presented a petition of J. P. Russell and other tax-payers of Saugerties, in favor of exempting mortgages from taxation ; which was read and committed to the committee of the whole.

Mr. Osgood presented a petition of the Troy Catholic Male Orphan Asylum, for aid ; which was read and referred to the committee on ways and means.

Mr. Sage presented resolutions of the town meeting of the town of Richland, Oswego county, to make the office of railroad commissioner elective ; which were read and referred to the committee on railroads.

Mr. White presented a remonstrance of property holders on Atlantic avenue, in the city of Brooklyn, against re-opening tunnel on said avenue

for railroad purposes; which was read and referred to the committee on railroads.

Mr. Swain presented a remonstrance of citizens of Wilson, Niagara county, against the passage of an act entitled "An act to repeal an act to legalize the acts of the inhabitants of school districts Nos. 1, 2, 5 and 9, in the town of Wilson, in the county of Niagara, in forming a union free school district, and the official acts of the board of education therein;" which was read and committed to the committee of the whole.

Mr. Rose presented the report of the sub-committee of the whole; which was laid on the table and ordered printed.

(See Doc. No. 123.)

Mr. D. B. Hill, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to authorize the employment of a stenographer for the county court and court of sessions, in the county of Monroe,' being chapter 46 of the Laws of 1864," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. D. B. Hill, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to telegraph companies," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. D. B. Hill, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act to secure to creditors a just division of the estates of debtors who convey to assignees for the benefit of creditors, passed April 13, 1860," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. D. B. Hill, from the committee on the judiciary, to which was referred the Senate bill entitled "An act relative to certain lands in the city of Brooklyn in Kings county, which in and by the last will and testament of Thomas Poole, deceased, were devised by him to the executors therein named, in trust for the use and benefit of said testator's daughter Eliza, for and during her natural life," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. D. B. Hill, from the committee on the judiciary, to which was referred the Senate bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act concerning the proof of wills, executors and administrators, guardians and wards and surrogates' courts,' passed May 16, 1837, passed May 11, 1869," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was recommitted the bill entitled "An act to repeal section 10, chapter 574 of Laws of 1871, entitled 'An act to reorganize the local government of the city of New York,' passed April 5, 1870, passed April 18, 1871," reported in favor of the passage of the same with an amendment; which report was agreed to, and said bill replaced on the calendar of third reading of bills.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to incorporate the city of Yonkers," reported the same for the consideration of the House; which report was agreed to, and said bill committed to the committee of the whole.



Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to permit the Broadway and East River Stage Company to extend their route in the city of New York," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act authorizing the board of supervisors of the county of New York to appropriate moneys in aid of the American Female Guardian Society and Home for the Friendless, in the city of New York," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to incorporate the Poughkeepsie Market Company," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was recommended the bill entitled "An act to repeal chapter 247 of the Laws of 1868, entitled 'An act to incorporate the Metropolitan Boat Club of the city of New York,' " and the title amended so as to read as follows: "An act to amend chapter 247 of the Laws of 1868, entitled 'An act to incorporate the Metropolitan Boat Club of the city of New York,'" reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole, retaining its place on general orders.

Mr. Hawkins, from the committee on the affairs of cities, to which was recommended the bill entitled "An act to amend chapter 77 of Laws of 1870, and chapter 536 of the Laws of 1871, passed respectively March 16, 1870, and April 15, 1871, entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany,' passed April 12, 1842, and the several acts amendatory thereof, in so far as they relate to the city of Albany," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill replaced on the calendar of third reading of bills.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act for the construction of an iron bridge over the Dansville branch of the Genesee Valley canal in Livingston county at a point where the road laid out by the highway commissioner of the town of West Sparta intersects said canal," reported adversely thereto, which report was agreed to.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act to authorize the construction of a swing bridge over the Erie canal on Fitzhugh street or Plymouth avenue, in the city of Rochester," reported adversely thereto, which report was agreed to.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act to provide for the construction of vertical stone wall along the tow-path bank of the Erie canal in the village of Hulberton, and appropriating money therefor," reported adversely thereto, which report was agreed to. No act necessary.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act to enlarge the Eighteen Mile creek in the county of Niagara," reported adversely thereto, which report was agreed to.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act in relation to the accounts of the Auditor of the Canal

Department and the State Treasurer," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Fort, from the committee on canals, to which was referred the petition of I. M. Burt and others praying for construction of an iron bridge over the Genesee Valley canal at Wiscoy Landing," reported adversely thereto; which report was agreed to.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act to provide for the appointment of a solicitor of the Canal Department, to prescribe his duties, and to regulate the employment of counsel for the State in matters relating to the canals," reported by substituted bill and in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act extending the provisions of certain laws permitting municipal corporations to aid in the construction of railroads to the county of Erie," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was recommitted the bill entitled "An act for the extension of the Utica, Chenango and Cortland railroad," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole, retaining its place on general orders.

Mr. White, from the committee on railroads, to which was referred the bill entitled "An act to legalize the acts of the railroad commissioners of the town of Hammond, St. Lawrence county," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was recommitted the Senate bill entitled "An act to authorize the comptroller of the city of New York to carry into effect certain powers and duties heretofore conferred upon the commissioners of the sinking fund of the said city," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole, retaining its place on general orders.

Mr. White, from the committee on railroads, to which was referred the Senate bill entitled "An act to authorize the Metropolitan Transit Company to construct and operate certain railroads in the city of New York, and to construct and use for railroad purposes two bridges across the Harlem river," reported the same for the consideration of the House; which report was agreed to, and said bill committed to the committee of the whole.

Mr. White, from the committee on railroads, to which was referred the Senate bill entitled "An act in relation to the formation of railroads," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Whitbeck, from the committee on railroads, to which was referred the bill entitled "An act empowering the Buffalo Street Railroad Company to make certain advances to and contracts with the Buffalo East Side Street Railway Company," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.



Mr. Whitbeck, from the committee on railroads, to which was referred the bill entitled "An act to authorize the construction of a railroad from the village of Watkins to the village of Havana, in the county of Schuyler, and in and through the streets of said villages," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Whitbeck, from the committee on railroads, to which was referred the bill entitled "An act to amend an act entitled 'An act to facilitate the construction of railroads and tram-roads within the counties of Essex and Clinton and to authorize the formation of companies therefor,' passed April 14, 1865," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend 'An act to incorporate the village of Mount Morris,' passed May 2, 1855, and the several acts subsequent amending the same," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to incorporate the Catskill Water Company," reported in favor of the passage of the same, which report was agreed to and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to extend and define the limits of the village of Hornellsville," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act authorizing the trustees of the village of Mount Morris to subscribe to the capital stock of the Mount Morris Water-works Company, passed May 3, 1869," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the Senate bill entitled "An act to amend an act entitled 'An act to amend an act to incorporate the village of Goshen, passed April 1843, so as to enable the inhabitants of said village to obtain a supply of water for public and private use,' passed March 27, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Whitaker, from the committee on internal affairs, to which was referred the bill entitled "An act to regulate the sale of ale, beer and lager beer, and to establish a standard for the same," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Whitaker, from the committee on internal affairs, to which was referred the bill entitled "An act to incorporate the Genesee Water-works Company," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Whitaker, from the committee on internal affairs, to which was referred the bill entitled "An act giving to the town of Perry, in Wyoming county, the benefit of all taxes, except school and road taxes, which may be levied and collected for the next thirty years, upon the valuation of



o much of the Rochester and Pine Creek railroad as lies in the towns of Castile and Gainesville, in said county," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Whitaker, from the committee on internal affairs, to which was referred the bill entitled "An act to increase the salary of the assessors of the city of Schenectady," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Whitaker, from the committee on internal affairs, to which was referred the bill entitled "An act to provide for the erection of a town hall in the town of Rhinebeck, Dutchess county," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Mr. Whitaker, from the committee on internal affairs, to which was referred the bill entitled "An act to repeal chapter 94, of the Laws of 1872, entitled 'An act to incorporate the Moose River Improvement Company,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Yeomans, from the committee on agriculture, to which was referred the bill entitled "An act to repeal chapter 131 of the Laws of 1871, entitled 'An act to renew the charter of the New York State Agricultural Society,' passed March 20th, 1871," reported the same for the consideration of the House, with amendments, and with the title amended so as to read as follows: "An act to amend section 2 of chapter 131 of the Laws of 1871, entitled 'An act to renew the charter of the New York State Agricultural Society,' passed March 20th 1871," which report was agreed to, and said bill committed to the committee of the whole.

Mr. Yeomans, from the committee on agriculture, to which was referred the bill entitled "An act for the organization and incorporation of the Lenox Farmers' and Mechanics' Association," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Yeomans, from the committee on agriculture, to which was referred the bill entitled "An act to incorporate the Washington Park Association," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. E. E. Brown, from the committee on State prisons, to which was referred the bill entitled "An act to provide for the location of a new State prison, and for the removal of the present State prison from Sing Sing," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

On motion of Mr. E. E. Brown, and by unanimous consent,

*Resolved*, That Assembly bill entitled "An act to amend the several acts in relation to State prisons," be printed and placed upon the files of members and recommitted to the committee on State prisons.

Mr. Rose called from the table the report of the sub-committee of the whole, in favor of the passage of the bills entitled as follows:

"An act entitled 'An act to amend an act entitled An act to authorize the making and opening of a road or avenue from the intersection of the highway running east of Rockland lake with the highway running from the lake to Rockland lake landing, in the county of Rockland, to intersect the highway running from Upper Piermont to Orangetown,' passed

April 21, 1871, and to extend the said Highland avenue south to the State line," [With amendments.]

Senate, "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Hornellsville,' passed April 9, 1867."

"An act to authorize the town of Canton to aid in the construction of a reservoir upon the head waters of Grass river, and to legalize the action of the special town meeting of the town of Canton, held February 24, 1872." [With amendments.]

"An act to authorize the construction of a bridge over Tunison's creek, in Richmond county." [With amendments.]

"An act to authorize the laying out, opening and working of a public highway in the village of Canandaigua, Ontario county, and raising money to defray the expenses of working said highway."

"An act to incorporate the Society of St. Vincent de Paul, in the city of New York."

"An act to authorize the trustees of the village of Flushing to issue bonds and raise money for the purchase of a steam fire-engine, and for the mapping and establishment of lines and grade for the streets and public places in said village."

"An act in relation to a board of health for the town and village of Saratoga Springs, Saratoga county."

Senate, "An act authorizing the Cattaraugus County Agricultural Society to borrow money to be used in improving its fair grounds."

Senate, "An act to confirm and make valid the title of the Evangelical Lutheran St. John's Church, Unaltered Augsburg Confession, in the city and county of New York, to certain real estate occupied by it in said city."

"An act authorizing the city of Rochester to issue its bonds to an amount not to exceed \$75,000, for the purpose of building a free academy."

"An act regulating the sale of leaf tobacco in the State of New York."

"An act to amend, as to the county of Kings, an act entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871." [With amendments.]

"An act to repeal chapter 906 of the Laws of 1869, and chapter 649 of the Laws of 1870, and chapter 356 of the Laws of 1871, so far as the same relates to the town of Pelham, in Westchester county, and the supervisor thereof, and to enable said town to construct part of the road in said acts referred to."

"An act for the relief of the inhabitants of union school district No. 1, in the town of Moreau, in the county of Saratoga."

"An act relative to the streets, avenues, wharves, piers and bulk-heads of the village of College Point, in the county of Queens."

"An act to authorize the appointment of commissioners to fix a grade and improve sidewalks and streets in the town of New Lots, Kings county."

"An act to authorize the Ira Union Cemetery Association to acquire title to certain lands and lots, Nos. 12 and 24, of the original township of Cato, now Ira, in the county of Cayuga."

"An act authorizing the city of Albany to close a part of Quackenbush street, and to permit the erection of bridges over certain streets in said city."

Senate, "An act to amend and in addition to an act entitled 'An act to



incorporate the New England Society, in the city of New York,' passed April 15, 1853."

Also, the following :

"An act in relation to the First Baptist Church and Society in Ogdensburg."

"An act to amend an act entitled 'An act to change the name of the First Universalist Society and Church in the city of Hudson, and to authorize said society to take and hold by gift, grant, devise, purchase or otherwise, real and personal estate,' passed March 28, 1871."

"An act providing for the application of the taxes hereafter assessed upon the New York and Oswego Midland Railroad Company in the town of Thompson, Sullivan county, for town purposes, in payment of interest and principal to become due on the bonds executed as hereafter to be issued by the town of Bethel and like bonds issued or to be issued by the village of Monticello, to aid in the construction of the New York and Oswego Midland railroad or its branches, and to provide for the deficiency of town taxes occasioned thereby." [With amendments, and title amended by striking out the words "executed as hereafter to be issued by the town of Bethel, and like bonds."]

Senate, "An act to incorporate the Little Valley Water-works Company.

Senate, "An act to amend the several acts incorporating the village of Owego, in the county of Tioga,' passed April 9, 1851."

"An act to incorporate the South Worcester Cemetery Association."

"An act to incorporate the Soldiers' Monument Society of Niagara county."

"An act to provide for the adjusting of certain accounts of the city of Brooklyn." [With amendment.]

"An act to legalize certain proceedings of the common council of the city of Buffalo, and for the relief of Frederick Haake." [With amendments.]

"An act to lay out a public highway in the towns of Rutland and Le Ray, in the county of Jefferson." [With amendments.]

Senate, "An act to provide an armory in the city of Brooklyn, county of Kings, for the use of the twenty-third regiment of the National Guard of the State of New York."

Senate, "An act to regulate the practice of pharmacy and the sale of poisons in the city and county of New York." [With amendments.]

The question being on agreeing to the report of said committee on said last mentioned bill, and ordering the same to a third reading,

Mr. Moseley moved to recommit said bill to the committee of the whole.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the report of the committee on the remainder of said bills, and it was determined in the affirmative.

*Ordered*, That said bills be engrossed for a third reading.

Mr. Whitbeck, from the committee on railroads, to which was referred the bill entitled "An act in relation to the running freight cars below Thirtieth street, in the city of New York," reported adversely thereto, which report was agreed to.

Mr. Whitbeck, from the committee on railroads, to which was referred the bill entitled "An act to secure greater protection to passengers on city railroad cars," reported adversely thereto, which report was agreed to.



Mr. Moseley moved that the House now adjourn until Monday evening at 7½ o'clock, and on that motion moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the negative.

{ AYES 50 }  
{ NOES 50 }

Those who voted in the affirmative, were

|               |             |             |          |                |
|---------------|-------------|-------------|----------|----------------|
| Abbott        | Campbell    | Foley       | A. Hill  | Ray            |
| Aitken        | Carroll     | Fowler      | Houghton | Roche          |
| D. L. Babcock | Chamberlain | Goring      | Jacobs   | Sage           |
| Badeau        | Chambers    | Goss        | Knapp    | Smyth          |
| Baltz         | Cook        | Griffin     | Morton   | M. M. Tompkins |
| Beckwith      | Couchman    | Haight      | Moseley  | Tucker         |
| Bennett       | Crandall    | Haughton    | Murdock  | Vedder         |
| Blair         | Dunphy      | Hawkins     | Niles    | Wiley          |
| I. H. Babcock | Fields      | A. L. Hayes | Oakley   | Woolsey        |
| Buell         | Flammer     | Healy       | Preston  | Yeomans        |

Those who voted in the negative, were

|               |            |          |            |                 |
|---------------|------------|----------|------------|-----------------|
| Alberger      | Geib       | Kilian   | Osgood     | Speaker         |
| Alvord        | Green      | Knettles | Paige      | Springsted      |
| I. H. Babcock | Gregory    | Lewis    | Pell       | Swain           |
| Berri         | Herrick    | Lott     | Pierce     | Twombly         |
| E. E. Brown   | D. B. Hill | Loughran | Prince     | A. L. Van Dusen |
| Dykeman       | Holdridge  | Lynde    | Rose       | W. J. Van Dusen |
| Eastman       | Husted     | Mackay   | Shepardson | Wells           |
| Enos          | Hyatt      | Marcy    | Smith      | Whitbeck        |
| Ford          | Judd       | Mosher   | Sniper     | White           |
| Fort          | Kennedy    | Moulton  | Snyder     | Woodward        |

Mr. Alvord then moved that this house do now adjourn.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

{ AYES 47 }  
{ NOES 56 }

Those who voted in the affirmative, were

|               |            |           |            |                 |
|---------------|------------|-----------|------------|-----------------|
| Alberger      | Ford       | Kingsland | Mosher     | Swain           |
| Alvord        | Geib       | Knapp     | Moulton    | A. L. Van Dusen |
| I. H. Babcock | Goss       | Knettles  | Prince     | W. J. Van Dusen |
| Beckwith      | Gregory    | Lewis     | Rose       | Vedder          |
| E. E. Brown   | Haight     | Lippitt   | Sage       | Wells           |
| I. D. Brown   | Herrick    | Lott      | Shepardson | Whitbeck        |
| Dykeman       | D. B. Hill | Loughran  | Smith      | White           |
| Eastman       | Holdridge  | Lynde     | Speaker    | Woodward        |
| Enos          | Hollister  | Mackay    | Springsted | Woolsey         |
| Flammer       | Kennedy    |           |            |                 |

Those who voted in the negative, were

|               |            |             |         |                |
|---------------|------------|-------------|---------|----------------|
| Abbott        | Chambers   | Haughton    | Marcy   | Ray            |
| Aitken        | Cook       | Hawkins     | Morton  | Roche          |
| D. L. Babcock | Couchman   | A. L. Hayes | Moseley | Smyth          |
| Badeau        | Crandall   | Healy       | Murdock | Sniper         |
| Baltz         | Dunphy     | A. Hill     | Niles   | Snyder         |
| Bennett       | Fields     | Houghton    | Oakley  | M. M. Tompkins |
| Berri         | Foley      | Husted      | Osgood  | Tucker         |
| Blair         | Fowler     | Hyatt       | Paige   | Twombly        |
| Buell         | Goring     | Jacobs      | Pell    | Whitaker       |
| Campbell      | Green      | Judd        | Pierce  | Wiley          |
| Carroll       | Greenhalgh | Kilian      | Preston | Yeomans        |
| Chamberlain   |            |             |         |                |

Mr. Alvord then moved to amend the motion of Mr. Moseley by striking out all after the word "now" and insert in lieu thereof the words "take a recess until 7½ o'clock."

Debate was had thereon, when

Mr. Smith moved that the House now adjourn.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

{ AYES 17 }  
{ NOES 68 }

Those who voted in the affirmative, were

|             |            |           |        |            |
|-------------|------------|-----------|--------|------------|
| Alberger    | Flammer    | A. Hill   | Mackay | Shepardson |
| Baltz       | Fowler     | Hollister | Niles  | Smyth      |
| E. E. Brown | Greenhalgh | Lippitt   | Paige  | Swain      |
| Eastman     | Herrick    |           |        |            |

Those who voted in the negative, were

|               |             |           |         |                 |
|---------------|-------------|-----------|---------|-----------------|
| Alvord        | Dunphy      | Holdridge | Moulton | Speaker         |
| D. L. Babcock | Dykeman     | Houghton  | Murdock | Springsted      |
| I. H. Babcock | Enos        | Husted    | Oakley  | M. M. Tompkins  |
| Badeau        | Ford        | Hyatt     | Osgood  | Tucker          |
| Beckwith      | Fort        | Jacobs    | Pell    | Twombly         |
| Bennett       | Geib        | Judd      | Pierce  | W. J. Van Dusen |
| I. D. Brown   | Goring      | Kennedy   | Preston | Wells           |
| Buell         | Goss        | Knapp     | Prince  | Whitbeck        |
| Campbell      | Haight      | Knettles  | Roche   | White           |
| Carroll       | Haughton    | Lewis     | Rose    | Whitaker        |
| Chamberlain   | Hawkins     | Lott      | Sage    | Woodward        |
| Chambers      | A. L. Hayes | Lynde     | Smith   | Woolsey         |
| Couchman      | Healy       | Morton    | Sniper  | Yeomans         |
| Crandall      | D. B. Hill  | Moseley   |         |                 |

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Alvord, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion as amended, and it was determined in the affirmative.

And at 2 o'clock and 20 minutes, the House took a recess until 7½ o'clock.

## HALF-PAST SEVEN O'CLOCK P. M.

The House again met.

A message was received from the Senate in words following:

*Resolved* (if the Assembly concur), That a respectful message be sent to His Excellency the Governor, requesting the return to the Senate of Senate bill, being "An act authorizing the town of Little Valley, Cattaraugus county, to issue bonds to pay its indebtedness incurred in the building of the court-house and jail in said town,"

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing of concurrence therein.

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend section 2 of chapter 9 of the Laws of 1872, entitled 'An act relating to appropriations

and deficiencies in the city of New York, and the audit and payment of salaries and claims in said city and county,' passed January 3, 1872," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Hawkins, from the committee on the affairs of cities, to which was recommitted the bill entitled "An act to provide for the sale of certain public property in the city of New York," reported in favor of the passage of the same with amendments; which report was agreed to and said bill replaced in the committee of the whole, retaining its place on general orders.

Mr. Woolsey, from the committee on claims, to which was referred the petition of Cyrus Eggleston, praying for relief, reported in writing a bill entitled "An act for the relief of Rosa Abbe Boughton and Addie E. Boughton," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Doc. No. .)

Mr. Alberger, from the committee on commerce and navigation, to which was referred the bill entitled "An act creating a board of commissioners of emigration and conferring certain powers and duties," reported the accompanying bill as a substitute; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Morton, from the committee on the affairs of cities, to which was recommitted the bill entitled "An act for the improvement of Myrtle avenue, in the city of Brooklyn," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill replaced in the committee of the whole, retaining its place on general orders.

Mr. Geib, from the committee on commerce and navigation, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend the several acts relating to the powers of the commissioners of emigration, and for the regulation of the Marine Hospital,' passed April 13, 1853," reported adversely thereto, which report was agreed to.

The Senate bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Hornellsville,' passed April 9, 1867," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |         |            |         |                 |
|---------------|---------|------------|---------|-----------------|
| Alberger      | Dykeman | D. B. Hill | Mackay  | Smith           |
| Alvord        | Enos    | Holdridge  | Marcy   | Snyder          |
| D. L. Babcock | Ford    | Hollister  | Morton  | Speaker         |
| I. H. Babcock | Fort    | Husted     | Moseley | Springsted      |
| Badeau        | Geib    | Hyatt      | Mosher  | Swain           |
| Beckwith      | Goring  | Judd       | Moulton | Tucker          |
| Bemus         | Goss    | Kennedy    | Murdock | Twombly         |
| Berri         | Green   | Kingsland  | Oakley  | A. L. Van Dusen |
| Blair         | Gregory | Knapp      | Paige   | W. J. Van Dusen |
| E. E. Brown   | Griffin | Knettles   | Pell    | Vedder          |
| I. D. Brown   | Haight  | Lewis      | Pierce  | Wells           |



|          |             |          |            |          |
|----------|-------------|----------|------------|----------|
| Buell    | Haughton    | Lincoln  | Preston    | White    |
| Burns    | Hawkins     | Lippitt  | Roche      | Whitaker |
| Burritt  | A. L. Hayes | Lott     | Rose       | Woodward |
| Couchman | Herrick     | Loughran | Sage       | Woolsey  |
| Crandall | A. Hill     | Lynde    | Shepardson | Yeomans  |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Speaker and Clerk submitted the following list of bills as proper to be reported to the sub-committee of the whole :

"An act to authorize the town of Kingsbury, in the county of Washington, to issue bonds to raise the necessary money to rebuild the court-house in said town."

"An act to amend an act entitled 'An act to amend article 4, of title 4, of chapter 11, of part 1st of the Revised Statutes, 'of division and other fences,'"

"An act to amend chapter 190 of the Laws of 1860, entitled 'An act to extend to Oliver A. Field the right to establish and maintain a ferry across the Hudson river,' passed April 6, 1860."

"An act in relation to the powers and duties of the board of supervisors of the county of Monroe."

"An act to amend an act entitled 'An act to authorize the supervisors of Monroe county to raise money to pay for the site of the State armory, in the city of Rochester, and to pay for the use of the rooms therein,' passed April 19, 1867."

"An act for the completion of Westchester avenue, in the town of White Plains, Harrison and Rye, in the county of Westchester."

"An act to provide for the repayment of certain moneys paid to the commissioners of Mamaroneck avenue in Westchester county."

"An act authorizing the construction and maintenance of a highway, from the north line of the township of Hollywood, in the county of St. Lawrence, into township No. 25, in Franklin county."

"An act to provide for laying out and opening a public road or highway in the town of Geddes, Onondaga county."

"An act to authorize the common council of the city of Syracuse to construct a trunk sewer in Harrison street and raise money to pay for the same."

"An act to legalize the official acts and proceedings of John R. Williams, a justice of the peace of the town of Knox, in the county of Albany."

Senate, "An act to discharge William Hoffman from the debtors' jail in the city of New York, commonly called the Ludlow street jail, and to discharge him from arrest and imprisonment under the orders of arrest, by virtue of which he is now imprisoned in said jail, and to exonerate his person from any existing or future arrest or imprisonment on any civil process in any civil action issuing out of any court of law, or on any execution issuing on any judgment rendered or to be rendered in any such action, in every case in which the cause of action arose since January 1, 1871, and existed at the time of the passage of this act."

"An act placing that portion of the Skaneateles and Elbridge plank-road lying between the village of Elbridge and Skaneateles Junction, under the jurisdiction of the commissioners of highways of the town of Elbridge."

"An act to revise and amend an act entitled 'An act to construct a road from Carthage in Jefferson county, to Lake Champlain in the county of Essex,' passed April 14, 1841."

"An act to repeal an act entitled 'An act authorizing the commissioners of highways of Germantown, in the county of Columbia, to lay out roads of a certain width,' passed April 2, 1827."

"An act to amend an act entitled 'An act to authorize the construction and maintaining of a free bridge over the Chenango river, in the city of Binghamton, and to borrow money therefor,' passed March 13, 1871."

"An act to legalize the action of the town meeting of the town of West Turin, Lewis county, held on the 20th day of February, 1872."

"An act to enable the electors of the town of Esopus to vote by districts for town officers."

"An act to authorize the construction of a lock-up in the village of Lima, Livingston county, and the assessment of the expense thereof, as a tax upon the village of Lima and the town of Lima, in said county."

"An act to authorize the United Petroleum Farms Association to dispose of the proceeds of its real estate."

"An act to authorize the Rondout and Kingston Gas Light Company to issue bonds for certain purposes."

"An act to authorize the board of education of union free school district No. 9, of the town of Mount Pleasant, to borrow money."

"An act to change the name of the Sixth Ward Savings Bank of the city of Albany."

"An act relative to lands bequeathed by the last will and testament of Joseph Cudlipp, deceased, to Joseph Cudlipp, Annie M. Walsh, Sarah C. Cudlipp and Elizabeth A. O'Keefe, for and during their natural lives."

Senate, "An act to lay out, open and grade Bay Ridge avenue, in the town of New Utrecht, in the county of Kings."

Senate, "An act relating to town officers and local government of Newtown, in Queens county."

Senate "An act to provide for the improvement of the hydraulic power of the Little Salmon river, in Franklin county, and to check freshets therein."

Senate, "An act authorizing the appointment of attendants and messengers of the supreme court in the county of Kings."

Senate, "An act to incorporate the Psi Chapter of the Psi Upsilon Fraternity, in the village of Clinton, in the county of Oneida, in the State of New York."

Senate, "An act to incorporate the German United Evangelical Protestant Synod of the East."

Senate, "An act to dissolve the New York and Richmond Granite Company."

Mr. Lott, from the committee on engrossed bills, reported as correctly re-engrossed the bill entitled as follows:

"An act to amend an act entitled 'An act for the further extension of Prospect park, in the city of Brooklyn,' passed April 24, 1868,"

Also, as correctly engrossed:

"An act to repeal chapter 549 of the Laws of 1868, entitled 'An act to regulate, grade and macadamize the highway known as the Westchester Turnpike and Post-road, commencing at a point in said road, on the line dividing the towns of West Farms and Morrisania, and the acts amendatory thereof, to discharge the commissioners appointed by such act or acts amendatory thereof, and to empower the town officers of the various towns, and the president and trustees of the village of New Rochelle, through which said turnpike and post-road passes, to perform certain duties."

"An act entitled 'An act to amend an act entitled An act to authorize the making and opening of a road or avenue from the intersection of the highway running east of Rockland lake, with the highway running from the lake to Rockland lake landing in the county of Rockland, to intersect the highway running from Upper Piermont to Orangeburgh,' passed April 21, 1871, and to extend said Highland avenue south to the State line."

"An act to authorize the town of Canton to aid in the construction of a reservoir upon the head waters of Grass river, and to legalize the action of the special town meeting of the town of Canton, held February 24, 1872."

"An act to authorize the construction of a bridge over Tunison's creek, in Richmond county."

"An act to authorize the laying out, opening and working of a public highway in the village of Canandaigua, Ontario county, and raising money to defray the expenses of working said highway."

"An act to incorporate the Society of St. Vincent de Paul, in the city of New York."

"An act to authorize the trustees of the village of Flushing to issue bonds and raise money for the purchase of a steam fire-engine, and for the mapping and establishment of lines and grades for the streets and public places in said village."

"An act in relation to a board of health for the town and village of Saratogo Springs, Saratoga county."

"An act authorizing the city of Rochester to issue its bonds to an amount not to exceed \$75,000, for the purpose of building a free academy."

"An act regulating the sale of leaf tobacco in the State of New York."

"An act to amend, as to the county of Kings, an act entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871."

"An act to repeal chapter 906 of the Laws of 1869, and chapter 649 of the Laws of 1870, and chapter 356 of the Laws of 1871, so far as the same relate to the town of Pelham, in Westchester county, and the supervisor thereof, and to enable said town to construct part of the road in said acts referred to."

"An act for the relief of the inhabitants of Union School District No. 1, in the town of Moreau, in the county of Saratoga."

"An act relative to the streets, avenues, wharves, piers, and bulk-heads of the village of College Point, in the county of Queens."

"An act to authorize the appointment of commissioners to fix the grade and improve sidewalks and streets in the town of New Lots, Kings county."

"An act to authorize the Ira Union Cemetery Association to acquire title to certain lands and lots No. 12 and No. 24, of the original township of Cato, now Ira, in the county of Cayuga."

"An act authorizing the city of Albany to close a part of Quackenbush street, and to permit the erection of bridges over certain streets in said city."

"An act in relation to the First Baptist Church and Society in Ogdensburgh."

"An act to amend an act entitled 'An act to change the name of the First Universalist Society and Church in the city of Hudson, and to authorize said society to take and hold by gift, grant, devise, purchase or otherwise, real and personal estate,' passed March 28, 1871."



"An act providing for the application of the taxes hereafter assessed upon the New York and Oswego Midland Railroad Company in the town of Thompson, Sullivan county, for town purposes in payment of interest and principal to become due on the bonds executed as hereafter to be issued by the town of Bethel, and like bonds issued or to be issued by the village of Monticello, to aid in the construction of the New York and Oswego Midland railroad and its branches; and to provide for the deficiency of town taxes occasioned thereby."

"An act to incorporate the South Worcester Cemetery Association."

"An act to incorporate the Soldiers' Monument Society of Niagara county."

"An act to provide for the adjusting of certain accounts of the city of Brooklyn."

"An act to legalize certain proceedings of the common council of the city of Buffalo, and for the relief of Frederick Haake."

"An act to lay out a public highway in the towns of Rutland and Le Ray, in the county of Jefferson."

By unanimous consent, Mr. Hyatt introduced a bill entitled "An act to amend an act entitled 'An act for the incorporation of villages,' passed April 20, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

By unanimous consent, Mr. Sage introduced a bill entitled "An act to authorize the election of a railroad commissioner in the town of Richland, Oswego county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Paige introduced a bill entitled "An act to confirm the acts of Hezekiah W. Whitney, administrator, with the will annexed of the estate of Melvin S. Whitney, deceased," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Paige offered for the consideration of the House a preamble and resolution, in the words following, to wit:

*Whereas*, The gas furnished in the Assembly library is insufficient (with the fixtures now arranged) to enable a person to read ordinary print; therefore, be it

*Resolved*, That the librarian be authorized to procure such reflectors or attachments as may be necessary to increase the light so as to be of practical use in said library room.

*Ordered*, That said resolution be referred to the committee on the expenditures of the House.

By unanimous consent,

Mr. Snyder, from the committee on commerce and navigation, to which was referred the Senate bill entitled "An act authorizing the construction of a bridge across the Hudson river at the city of Troy," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Leave of absence was granted to Mr. Buckley until Monday evening, to Messrs. Pierce and Rose until Tuesday morning, and to Messrs. West and G. D. Lord indefinitely, on account of sickness.

Mr. Fort moved that Mr. George D. Lord be purged of his contempt, and that he be granted indefinite leave of absence on account of sickness.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By unanimous consent, Mr. I. D. Brown offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved* (if the Senate concur), That there be printed of the transactions of each of the medical societies of this State, viz.: The New York State Medical Society, and the Homœopathic State Medical Society, and the Eclectic State Medical Society, ten copies for each member, officer and reporter of the Legislature; also, 5,000 copies of the Transactions of the New York State Medical Society of 1871 for the use of said society, and 2,000 copies of the Transactions of the Homœopathic Medical Society of 1871 for the use of said Homœopathic Medical Society, and 2,000 copies of the Transactions of the Eclectic State Medical Society of 1871 for the use of said Eclectic Medical Society.

*Ordered*, That said resolution be laid on the table.

By unanimous consent,

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to incorporate the New York and South American Contract Company," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize attorneys at law to perform some of the duties of notaries public," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Prince, from the committee on the judiciary, under resolution of the House adopted March 26, returned the bill entitled "An act to incorporate the Society of Members of the New York Stock Exchange for Mutual Relief, in the city and county and State of New York," and said bill was referred to the committee on charitable and religious societies.

By unanimous consent,

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to amend the charter of the New York Produce Exchange Company, and to confer powers upon said company," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the New York State Loan and Trust Company,' passed May 6, 1870," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act supplementary to the Code of Procedure, and for the collection of debts by trustee process," reported the same for the consideration of the House; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Prince, from the committee on the judiciary, to which was referred

the bill entitled "An act to amend chapter 304 of the Laws of 1852, relating to the duties of district attorneys," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act for the relief of the New York Tunnel Company," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the formation of corporations to provide the members thereof with homesteads, or lots of land suitable for homesteads," reported in favor of the passage of the same with amendments, and the title amended so as to read as follows: "An act to authorize the formation of corporations to provide the members thereof with lots of land suitable for homesteads;" which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act authorizing the election of a police justice in the village of Tonawanda, passed April 22, 1870," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to release to Mary Ann Black certain real estate in the city of Auburn, in the county of Cayuga of which Archibald Black, her late husband, died seized," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Prince, from the committee on the judiciary, to which was referred the Senate bill entitled "An act concerning the duties of assessors and collectors of taxes in the several towns and counties of this State, except in the counties of New York and Kings," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Prince, from the committee on the judiciary, to which was referred the Senate bill entitled "An act to protect purchasers on sales of real estate of infants by special guardians prior to January 1, 1852," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act extending the cases in which writs of mandamus and of prohibition may issue," reported adversely thereto; which report was agreed to.

By unanimous consent,

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act for the protection of livery stable keepers and other persons keeping horses at livery or pasture," reported adversely



thereto, on the ground that its provisions are covered by a bill already reported ; which report was agreed to.

By unanimous consent,

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to amend 'An act in relation to the Marine Court of the city of New York,' passed April 14, 1865," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. Pierce, from the committee on the judiciary, to which was referred the bill entitled "An act requiring all questions of negligence in actions brought to recover damages for death or personal injury by wrongful act, neglect or default, to be submitted to a jury," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to repeal section 2, of chapter 887, of the Laws of 1867, entitled 'An act to enable husband and wife, or either of them, to be a witness for or against the other or on behalf of any party in certain cases,' passed May 10, 1867," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to regulate the marriage of parties who have been divorced," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to abolish the marine court of the city of New York and to create and establish the municipal court of the city of New York," reported adversely thereto ; which report was agreed to.

By unanimous consent, Mr. Haight introduced a bill entitled "An act authorizing Simon Habel, of New York city, to change his name into A. Habel," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

By unanimous consent, Mr. Woolsey introduced a bill entitled "An act to regulate the transportation of milk over the Erie railway and its branches," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Swain introduced a bill entitled "An act to amend 'An act relating to building bridges in the village of Niagara Falls,' passed April 27, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Husted introduced a bill entitled "An act to amend chapter 366 of the Laws of 1870, entitled 'An act in regard to public libraries incorporated in the State of New York,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on local and special laws.

By unanimous consent, Mr. Husted introduced a bill entitled "An act to authorize the Peekskill Iron Company to construct and operate a narrow gauge railroad in the towns of Cortland, Westchester county, and Phillipstown, Putnam county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. D. B. Hill offered for the consideration of the House a concurrent resolution, proposing an amendment to the Constitution relative to State prisons, in the words following, to wit:

*Resolved* (if the Senate concur), That the following amendment to the Constitution be proposed for adoption to the people of the State, to wit:

1. There shall be a board of managers of prisons, to consist of five persons, to be appointed by the Governor with the advice and consent of the Senate, who shall hold office for ten years, except that the five first appointed shall, in such manner as the Legislature may direct, be so classified that the term of one person so appointed shall expire at the end of each two years during the first ten years, and vacancies in the office of manager thus or otherwise occurring shall be filled in like manner.

2. Said board shall have the charge and superintendence of the State prisons, and shall possess such powers and perform such duties in respect to county jails and other penal and reformatory institutions in this State as the Legislature may prescribe.

3. The board shall appoint a secretary, who shall be removable at their pleasure, and who shall perform such duties as the Legislature or the board may prescribe, and shall receive a salary to be determined by law, and the members of the board shall receive such compensation as may be prescribed by law.

4. The board shall appoint the warden (or chief officer), physician, chaplain and clerk or financial officer of each State prison, and shall have power to remove them for cause, after an opportunity to be heard on written charges. All other officers of such prison shall be appointed by the warden thereof, and be removed at his pleasure.

5. The Governor may remove either of the managers for misconduct, incompetency or neglect of duty, after opportunity to be heard on written charges.

6. This amendment shall go into effect on the first Monday of January after its adoption by the people, from and after which date section 4 of article 5 of the Constitution shall be null and void.

*Ordered*, That said resolution be referred to the committee of State prisons.

The bill entitled "An act to repeal chapter 549 of the Laws of 1868, entitled 'An act to regulate, grade and macadamize the highway known as the Westchester turnpike and post road, commencing at a point in said road on the line dividing the towns of West Farms and Morrisania,' and the act amendatory thereof to discharge the commissioner appointed by such act or acts amendatory thereof and to empower the town officers of the various towns, and the president and trustees of the village of New Rochelle, through which said turnpike and post-road passes to perform certain duties," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |      |           |         |            |
|---------------|------|-----------|---------|------------|
| Alberger      | Enos | Hollister | Morton  | Snyder     |
| Alvord        | Ford | Houghton  | Moseley | Speaker    |
| D. L. Babcock | Fort | Husted    | Mosher  | Springsted |

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| I. H. Babcock | Fowler      | Hyatt     | Moulton    | Swain           |
| Badeau        | Geib        | Judd      | Murdock    | Tucker          |
| Beckwith      | Goss        | Kennedy   | Paige      | Twombly         |
| Bemus         | Green       | Kingsland | Pell       | A. L. Van Dusen |
| Berri         | Gregory     | Knapp     | Pierce     | W. J. Van Dusen |
| Blair         | Griffin     | Knettles  | Preston    | Vedder          |
| E. E. Brown   | Haight      | Lewis     | Prince     | Wells           |
| I. D. Brown   | Haughton    | Lincoln   | Roche      | Whitbeck        |
| Buell         | Hawkins     | Lippitt   | Rose       | White           |
| Burns         | A. L. Hayes | Lott      | Sage       | Whitaker        |
| Burritt       | Herrick     | Lynde     | Shepardson | Woodward        |
| Couchman      | A. Hill     | Mackay    | Smith      | Woolsey         |
| Crandall      | D. B. Hill  | Marcy     | Sniper     | Yeomans         |
| Dykeman       | Holdridge   |           |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate sent for concurrence the bill entitled as follows :

"An act for the relief of Cornelia Townsend," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Husted, and by unanimous consent, said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| Alberger      | Enos        | Hollister | Marcy      | Sniper          |
| Alvord        | Ford        | Houghton  | Morton     | Snyder          |
| I. H. Babcock | Fort        | Husted    | Moseley    | Speaker         |
| Badeau        | Geib        | Hyatt     | Mosher     | Springsted      |
| Beckwith      | Goss        | Judd      | Moulton    | Swain           |
| Bemus         | Green       | Kennedy   | Murdock    | Tucker          |
| Berri         | Gregory     | Kingsland | Paige      | Twombly         |
| Blair         | Griffin     | Knapp     | Pell       | A. L. Van Dusen |
| E. E. Brown   | Haight      | Knettles  | Pierce     | W. J. Van Dusen |
| I. D. Brown   | Haughton    | Lewis     | Preston    | Wells           |
| Buell         | Hawkins     | Lincoln   | Prince     | Whitbeck        |
| Burns         | A. L. Hayes | Lippitt   | Roche      | White           |
| Burritt       | Herrick     | Lott      | Rose       | Whitaker        |
| Couchman      | A. Hill     | Loughran  | Sage       | Woodward        |
| Crandall      | D. B. Hill  | Lynde     | Shepardson | Woolsey         |
| Dykeman       | Holdridge   | Mackay    | Smith      | Yeomans         |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act entitled 'An act to amend an act entitled An act to authorize the making and opening of a road or avenue from the intersection of the highway running east of Rockland lake, with the highway running from the lake to Rockland lake landing, in the county of Rockland, to intersect the highway running from Upper Piermont to Orangeburgh,' passed April 21, 1871, and to extend said Highland avenue south to the State line," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.



{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Enos        | Holdridge  | Morton     | Snyder          |
| Alvord        | Ford        | Hollister  | Moseley    | Speaker         |
| D. L. Babcock | Fort        | Hungerford | Mosher     | Springsted      |
| I. H. Babcock | Fowler      | Husted     | Moulton    | Swain           |
| Badeau        | Geib        | Hyatt      | Murdock    | Tucker          |
| Beckwith      | Goring      | Judd       | Paige      | Twombly         |
| Bemus         | Goss        | Kennedy    | Pell       | A. L. Van Dusen |
| Berri         | Green       | Kingsland  | Pierce     | W. J. Van Dusen |
| Blair         | Gregory     | Knapp      | Preston    | Vedder          |
| E. E. Brown   | Griffin     | Knettles   | Prince     | Wells           |
| I. D. Brown   | Haight      | Lewis      | Roche      | Whitbeck        |
| Buell         | Houghton    | Lincoln    | Rose       | White           |
| Burns         | Hawkins     | Lippitt    | Sage       | Whitaker        |
| Burritt       | A. L. Hayes | Lott       | Shepardson | Woodward        |
| Couchman      | Herrick     | Loughran   | Smith      | Woolsey         |
| Crandall      | A. Hill     | Lynde      | Sniper     | Yeomans         |
| Dykeman       | D. B. Hill  | Mackay     |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the town of Canton to aid in the construction of a reservoir upon the head waters of Grass river, and to legalize the action of the special town meeting of the town of Canton, held February 24, 1872," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| Alberger      | Enos        | Hollister | Marcy      | Sniper          |
| Alvord        | Ford        | Houghton  | Morton     | Snyder          |
| D. L. Babcock | Fort        | Husted    | Moseley    | Speaker         |
| I. H. Babcock | Fowler      | Hyatt     | Mosher     | Springsted      |
| Badeau        | Geib        | Judd      | Moulton    | Swain           |
| Beckwith      | Goring      | Kennedy   | Murdock    | Tucker          |
| Bemus         | Goss        | Kingsland | Paige      | Twombly         |
| Berri         | Green       | Knapp     | Pell       | A. L. Van Dusen |
| Blair         | Gregory     | Knettles  | Pierce     | W. J. Van Dusen |
| E. E. Brown   | Griffin     | Lewis     | Preston    | Vedder          |
| I. D. Brown   | Haight      | Lincoln   | Prince     | Wells           |
| Buell         | Hawkins     | Lippitt   | Roche      | Whitbeck        |
| Burns         | A. L. Hayes | Lott      | Rose       | White           |
| Burritt       | Herrick     | Loughran  | Sage       | Whitaker        |
| Couchman      | A. Hill     | Lynde     | Shepardson | Woodward        |
| Crandall      | D. B. Hill  | Mackay    | Smith      | Yeomans         |
| Dykeman       | Holdridge   |           |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the construction of a bridge over Tunison's creek, in Richmond county," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a

majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| Alberger      | Ford        | Hollister | Morton     | Snyder          |
| Alvord        | Fort        | Houghton  | Moseley    | Speaker         |
| D. L. Babcock | Fowler      | Husted    | Mosher     | Springsted      |
| I. H. Babcock | Geib        | Hyatt     | Moulton    | Swain           |
| Badeau        | Goring      | Judd      | Murdock    | Tucker          |
| Beckwith      | Goss        | Kennedy   | Paige      | Twombly         |
| Bemus         | Green       | Kingsland | Pell       | A. L. Van Dusen |
| Berri         | Gregory     | Knapp     | Pierce     | W. J. Van Dusen |
| Blair         | Griffin     | Knettles  | Preston    | Vedder          |
| E. E. Brown   | Haight      | Lewis     | Prince     | Wells           |
| I. D. Brown   | Haughton    | Lincoln   | Roche      | Whitbeck        |
| Buell         | Hawkins     | Lippitt   | Rose       | White           |
| Burns         | A. L. Hayes | Lott      | Sage       | Whitaker        |
| Burritt       | Herrick     | Loughran  | Shepardson | Woodward        |
| Couchman      | A. Hill     | Lynde     | Smith      | Woolsey         |
| Crandall      | D. B. Hill  | Mackay    | Sniper     | Yeomans         |
| Dykeman       | Holdridge   | Marcy     |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to provide an armory in the city of Brooklyn, county of Kings, for the use of the Twenty-third regiment of the National Guard of the State of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| Alberger      | Ford        | Holdridge | Mackay     | Sniper          |
| Alvord        | Fort        | Hollister | Marcy      | Speaker         |
| D. L. Babcock | Fowler      | Houghton  | Morton     | Springsted      |
| I. H. Babcock | Geib        | Husted    | Mosher     | Swain           |
| Badeau        | Goring      | Hyatt     | Moulton    | Tucker          |
| Beckwith      | Goss        | Judd      | Murdock    | Twombly         |
| Bemus         | Green       | Kennedy   | Oakley     | A. L. Van Dusen |
| Berri         | Gregory     | Kingsland | Paige      | W. J. Van Dusen |
| Blair         | Griffin     | Knapp     | Pell       | Vedder          |
| E. E. Brown   | Haight      | Knettles  | Pierce     | Wells           |
| I. D. Brown   | Haughton    | Lewis     | Preston    | Whitbeck        |
| Buell         | Hawkins     | Lincoln   | Prince     | White           |
| Burns         | A. L. Hayes | Lippitt   | Rose       | Whitaker        |
| Burritt       | Herrick     | Lott      | Sage       | Woodward        |
| Couchman      | A. Hill     | Loughran  | Shepardson | Woolsey         |
| Crandall      | D. B. Hill  | Lynde     | Smith      | Yeomans         |
| Dykeman       |             |           |            |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to authorize the laying out, opening and working of a public highway in the village of Canandaigua, Ontario county, and raising money to defray the expenses of working said highway," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 86 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| Alberger      | Ford        | Houghton  | Moseley    | Sniper          |
| Alvord        | Fort        | Husted    | Mosher     | Snyder          |
| D. L. Babcock | Fowler      | Hyatt     | Moulton    | Speaker         |
| I. H. Babcock | Geib        | Judd      | Murdock    | Springsted      |
| Badeau        | Goring      | Kennedy   | Niles      | Swain           |
| Beckwith      | Goss        | Kingsland | Oakley     | Tucker          |
| Bemus         | Green       | Knapp     | Paige      | Twombly         |
| Berri         | Gregory     | Knettles  | Pell       | A. L. Van Dusen |
| Blair         | Griffin     | Lewis     | Pierce     | W. J. Van Dusen |
| E. E. Brown   | Haight      | Lincoln   | Preston    | Vedder          |
| I. D. Brown   | Hawkins     | Lippitt   | Prince     | Wells           |
| Buell         | A. L. Hayes | Lott      | Roche      | Whitbeck        |
| Burns         | Herrick     | Loughran  | Rose       | White           |
| Burritt       | A. Hill     | Lynde     | Sage       | Whitaker        |
| Couchman      | D. B. Hill  | Mackay    | Shepardson | Woodward        |
| Crandall      | Holdridge   | Marcy     | Smith      | Woolsey         |
| Dykeman       | Hollister   | Morton    | Smyth      | Yeomans         |
| Enos          |             |           |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to incorporate the Society of St. Vincent de Paul, in the city of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| Alberger      | Enos        | Hollister | Morton     | Snyder          |
| Alvord        | Ford        | Houghton  | Moseley    | Speaker         |
| D. L. Babcock | Fort        | Husted    | Mosher     | Springsted      |
| I. H. Babcock | Fowler      | Hyatt     | Moulton    | Swain           |
| Badeau        | Geib        | Judd      | Murdock    | Tucker          |
| Beckwith      | Goring      | Kennedy   | Oakley     | Twombly         |
| Bemus         | Goss        | Kingsland | Paige      | A. L. Van Dusen |
| Berri         | Green       | Knapp     | Pell       | W. J. Van Dusen |
| Blair         | Gregory     | Knettles  | Pierce     | Vedder          |
| E. E. Brown   | Griffin     | Lewis     | Preston    | Wells           |
| I. D. Brown   | Haight      | Lincoln   | Prince     | Whitbeck        |
| Buell         | Hawkins     | Lippitt   | Roche      | White           |
| Burns         | A. L. Hayes | Lott      | Rose       | Whitaker        |
| Burritt       | Herrick     | Loughran  | Sage       | Woodward        |
| Couchman      | A. Hill     | Lynde     | Shepardson | Woolsey         |
| Crandall      | D. B. Hill  | Mackay    | Smith      | Yeomans         |
| Dykeman       | Holdridge   | Marcy     | Sniper     |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the trustees of the village of Flushing to issue bonds and raise money for the purchase of a steam fire



engine, and for the mapping and establishment of lines and grades for the streets and public places in said village," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| Alberger      | Enos        | Holdridge | Marcy      | Sniper          |
| Alvord        | Ford        | Hollister | Morton     | Snyder          |
| D. L. Babcock | Fort        | Houghton  | Moseley    | Speaker         |
| D. L. Babcock | Fowler      | Husted    | Mosher     | Springsted      |
| Badeau        | Geib        | Hyatt     | Moulton    | Swain           |
| Beckwith      | Goring      | Judd      | Murdock    | Tucker          |
| Bemus         | Goss        | Kennedy   | Oakley     | Twombly         |
| Berri         | Green       | Kingsland | Paige      | A. L. Van Dusen |
| Blair         | Gregory     | Knapp     | Pell       | W. J. Van Dusen |
| E. E. Brown   | Griffin     | Knettles  | Pierce     | Vedder          |
| I. D. Brown   | Haight      | Lewis     | Preston    | Wells           |
| Buell         | Haughton    | Lincoln   | Prince     | Whitbeck        |
| Burns         | Hawkins     | Lippitt   | Roche      | White           |
| Burritt       | A. L. Hayes | Lott      | Rose       | Whitaker        |
| Couchman      | Herrick     | Loughran  | Sage       | Woodward        |
| Crandall      | A. Hill     | Lynde     | Shepardson | Woolsey         |
| Dykeman       | D. B. Hill  | Mackay    | Smith      | Yeomans         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act in relation to a board of health for the town and village of Saratoga Springs, Saratoga county," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| Alberger      | Enos        | Holdridge | Morton     | Snyder          |
| Alvord        | Ford        | Hollister | Moseley    | Speaker         |
| D. L. Babcock | Fort        | Houghton  | Mosher     | Springsted      |
| I. H. Babcock | Fowler      | Husted    | Moulton    | Swain           |
| Badeau        | Geib        | Hyatt     | Murdock    | Tucker          |
| Beckwith      | Goring      | Judd      | Oakley     | Twombly         |
| Bemus         | Goss        | Kennedy   | Paige      | A. L. Van Dusen |
| Berri         | Green       | Kingsland | Pell       | W. J. Van Dusen |
| Blair         | Gregory     | Knapp     | Pierce     | Vedder          |
| E. E. Brown   | Griffin     | Lewis     | Preston    | Wells           |
| I. D. Brown   | Haight      | Lincoln   | Prince     | Whitbeck        |
| Buell         | Haughton    | Lippitt   | Roche      | White           |
| Burns         | Hawkins     | Lott      | Rose       | Whitaker        |
| Burritt       | A. L. Hayes | Loughran  | Sage       | Woodward        |
| Couchman      | Herrick     | Lynde     | Shepardson | Woolsey         |
| Crandall      | A. Hill     | Mackay    | Smith      | Yeomans         |
| Dykeman       | D. B. Hill  | Marcy     | Sniper     |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act authorizing the Cattaraugus County Agricultural Society to borrow money to be used in improving its fair grounds," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| Alberger      | Enos        | Hollister | Morton     | Snyder          |
| Alvord        | Ford        | Houghton  | Moseley    | Speaker         |
| D. L. Babcock | Fort        | Husted    | Mosher     | Springsted      |
| I. H. Babcock | Fowler      | Hyatt     | Moulton    | Swain           |
| Badeau        | Geib        | Judd      | Murdock    | Tucker          |
| Beckwith      | Goring      | Kennedy   | Oakley     | Twombly         |
| Bemus         | Goss        | Kingsland | Paige      | A. L. Van Dusen |
| Berri         | Green       | Knapp     | Pell       | W. J. Van Dusen |
| Blair         | Gregory     | Knettles  | Pierce     | Vedder          |
| E. E. Brown   | Griffin     | Lewis     | Preston    | Wells           |
| I. D. Brown   | Haight      | Lincoln   | Prince     | Whitbeck        |
| Buell         | Hawkins     | Lippitt   | Roche      | White           |
| Burns         | A. L. Hayes | Lott      | Rose       | Whitaker        |
| Burritt       | Herrick     | Loughran  | Sage       | Woodward        |
| Couchman      | A. Hill     | Lynde     | Shepardson | Woolsey         |
| Crandall      | D. B. Hill  | Mackay    | Smith      | Yeomans         |
| Dykeman       | Holdridge   | Marcy     | Sniper     |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate bill entitled "An act to confirm and make valid the title of the Evangelical Lutheran St. John's Church Unaltered Augsburg Confession, in the city and county of New York, to certain real estate occupied by it in said city," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| Alberger      | Enos        | Holdridge | Marcy      | Sniper          |
| Alvord        | Ford        | Hollister | Morton     | Snyder          |
| D. L. Babcock | Fort        | Houghton  | Moseley    | Speaker         |
| I. H. Babcock | Fowler      | Husted    | Mosher     | Springsted      |
| Badeau        | Geib        | Hyatt     | Moulton    | Swain           |
| Beckwith      | Goring      | Judd      | Murdock    | Tucker          |
| Bemus         | Goss        | Kennedy   | Oakley     | Twombly         |
| Berri         | Green       | Kingsland | Paige      | A. L. Van Dusen |
| Blair         | Gregory     | Knapp     | Pell       | W. J. Van Dusen |
| E. E. Brown   | Griffin     | Knettles  | Pierce     | Vedder          |
| I. D. Brown   | Haight      | Lewis     | Preston    | Wells           |
| Buell         | Haughton    | Lincoln   | Prince     | Whitbeck        |
| Burns         | Hawkins     | Lippitt   | Roche      | White           |
| Burritt       | A. L. Hayes | Lott      | Rose       | Whitaker        |
| Couchman      | Herrick     | Loughran  | Sage       | Woodward        |
| Crandall      | A. Hill     | Lynde     | Shepardson | Woolsey         |
| Dykeman       | D. B. Hill  | Mackay    | Smith      | Yeomans         |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act authorizing the city of Rochester to issue its bonds to an amount not to exceed seventy-five thousand dollars for the purpose of building a free academy," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| Alberger      | Enos        | Holdridge | Morton     | Snyder          |
| Alvord        | Ford        | Hollister | Moseley    | Speaker         |
| D. L. Babcock | Fort        | Houghton  | Mosher     | Springsted      |
| I. H. Babcock | Fowler      | Husted    | Moulton    | Swain           |
| Badeau        | Geib        | Hyatt     | Murdock    | Tucker          |
| Beckwith      | Goring      | Judd      | Oakley     | Twombly         |
| Bemus         | Goss        | Kennedy   | Paige      | A. L. Van Dusen |
| Berri         | Green       | Knapp     | Pell       | W. J. Van Dusen |
| Blair         | Gregory     | Knettles  | Pierce     | Vedder          |
| E. E. Brown   | Griffin     | Lewis     | Preston    | Wells           |
| I. D. Brown   | Haight      | Lincoln   | Prince     | Whitbeck        |
| Buell         | Haughton    | Lippitt   | Roche      | White           |
| Burns         | Hawkins     | Lott      | Rose       | Whitaker        |
| Burritt       | A. L. Hayes | Loughran  | Sage       | Woodward        |
| Couchman      | Herrick     | Lynde     | Shepardson | Woolsey         |
| Crandall      | A. Hill     | Mackay    | Smith      | Yeomans         |
| Dykeman       | D. B. Hill  | Marcy     | Sniper     |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act regulating the sale of leaf tobacco in the State of New York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| Alberger      | Enos        | Holdridge | Marcy      | Snyder          |
| Alvord        | Ford        | Hollister | Moseley    | Speaker         |
| D. L. Babcock | Fort        | Houghton  | Mosher     | Springsted      |
| I. H. Babcock | Fowler      | Husted    | Moulton    | Swain           |
| Badeau        | Geib        | Hyatt     | Murdock    | Tucker          |
| Beckwith      | Goring      | Judd      | Oakley     | Twombly         |
| Bemus         | Goss        | Kennedy   | Paige      | A. L. Van Dusen |
| Berri         | Green       | Kingsland | Pell       | W. J. Van Dusen |
| Blair         | Gregory     | Knapp     | Pierce     | Vedder          |
| E. E. Brown   | Griffin     | Knettles  | Preston    | Wells           |
| I. D. Brown   | Haight      | Lewis     | Prince     | Whitbeck        |
| Buell         | Haughton    | Lincoln   | Roche      | White           |
| Burns         | Hawkins     | Lippitt   | Rose       | Whitaker        |
| Burritt       | A. L. Hayes | Lott      | Sage       | Woodward        |
| Couchman      | Herrick     | Loughran  | Shepardson | Woolsey         |
| Crandall      | A. Hill     | Lynde     | Smith      | Yeomans         |
| Dykeman       | D. B. Hill  | Mackay    | Sniper     |                 |



## For the negative

Morton

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend, as to the county of Kings, an act entitled 'An act to amend and consolidate the several acts relating to the preservation of moose, wild deer, birds and fish,' passed April 26, 1871," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| Alberger      | Enos        | Holdridge | Morton     | Snyder          |
| Alvord        | Ford        | Hollister | Mosher     | Speaker         |
| D. L. Babcock | Fort        | Houghton  | Moulton    | Springsted      |
| I. H. Babcock | Fowler      | Husted    | Murdock    | Swain           |
| Badeau        | Geib        | Hyatt     | Oakley     | Tucker          |
| Beckwith      | Goring      | Judd      | Paige      | Twombly         |
| Bemus         | Goss        | Kennedy   | Pell       | A. L. Van Dusen |
| Berri         | Green       | Knapp     | Pierce     | W. J. Van Dusen |
| Blair         | Gregory     | Knettles  | Preston    | Vedder          |
| E. E. Brown   | Griffin     | Lewis     | Prince     | Wells           |
| I. D. Brown   | Haight      | Lincoln   | Roche      | Whitbeck        |
| Buell         | Haughton    | Lippitt   | Rose       | White           |
| Burns         | Hawkins     | Lott      | Sage       | Whitaker        |
| Burritt       | A. L. Hayes | Loughran  | Shepardson | Woodward        |
| Couchman      | Herrick     | Lynde     | Smith      | Woolsey         |
| Crandall      | A. Hill     | Mackay    | Sniper     | Yeomans         |
| Dykeman       | D. B. Hill  | Marcy     |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to repeal chapter 906 of the Laws of 1869, and chapter 649 of the Laws of 1870, and chapter 356 of the Laws of 1871, so far as the same relate to the town of Pelham, in Westchester county, and the supervisor thereof, and to enable said town to construct part of the road in said acts referred to," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |        |           |         |                 |
|---------------|--------|-----------|---------|-----------------|
| Alberger      | Enos   | Holdridge | Morton  | Snyder          |
| Alvord        | Ford   | Hollister | Mosher  | Speaker         |
| D. L. Babcock | Fort   | Houghton  | Moulton | Springsted      |
| I. H. Babcock | Fowler | Husted    | Murdock | Swain           |
| Badeau        | Geib   | Hyatt     | Oakley  | Tucker          |
| Beckwith      | Goring | Judd      | Paige   | Twombly         |
| Bemus         | Goss   | Kennedy   | Pell    | A. L. Van Dusen |
| Berri         | Green  | Knapp     | Pierce  | W. J. Van Dusen |

|             |             |          |            |          |
|-------------|-------------|----------|------------|----------|
| Blair       | Gregory     | Knettles | Preston    | Vedder   |
| E. E. Brown | Griffin     | Lewis    | Prince     | Wells    |
| I. D. Brown | Haight      | Lincoln  | Roche      | Whitbeck |
| Buell       | Haughton    | Lippitt  | Rose       | White    |
| Burns       | Hawkins     | Lott     | Sage       | Whitaker |
| Burritt     | A. L. Hayes | Loughran | Shepardson | Woodward |
| Couchman    | Herrick     | Lynde    | Smith      | Woolsey  |
| Crandall    | A. Hill     | Mackay   | Sniper     | Yeomans  |
| Dykeman     | D. B. Hill  | Marcy    |            |          |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act for the relief of the inhabitants of Union school district No. 1, in the town of Moreau, in the county of Saratoga," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| Alberger      | Enos        | Holdridge | Morton     | Snyder          |
| Alvord        | Ford        | Hollister | Moseley    | Speaker         |
| D. L. Babcock | Fort        | Houghton  | Mosher     | Springsted      |
| I. H. Babcock | Fowler      | Husted    | Moulton    | Swain           |
| Badeau        | Geib        | Hyatt     | Murdock    | Tucker          |
| Beckwith      | Goring      | Judd      | Oakley     | Twombly         |
| Bemus         | Goss        | Kennedy   | Paige      | A. L. Van Dusen |
| Berri         | Green       | Knapp     | Pell       | W. J. Van Dusen |
| Blair         | Gregory     | Knettles  | Pierce     | Vedder          |
| E. E. Brown   | Griffin     | Lewis     | Preston    | Wells           |
| I. D. Brown   | Haight      | Lincoln   | Prince     | Whitbeck        |
| Buell         | Haughton    | Lippitt   | Roche      | White           |
| Burns         | Hawkins     | Lott      | Rose       | Whitaker        |
| Burritt       | A. L. Hayes | Loughran  | Sage       | Woodward        |
| Couchman      | Herrick     | Lynde     | Shepardson | Woolsey         |
| Crandall      | A. Hill     | Mackay    | Smith      | Yeomans         |
| Dykeman       | D. B. Hill  | Marcy     | Sniper     |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act relative to the streets, avenues, wharves, piers, and bulk-heads of the village of College Point, in the county of Queens," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |        |           |         |            |
|---------------|--------|-----------|---------|------------|
| Alberger      | Enos   | Holdridge | Morton  | Snyder     |
| Alvord        | Ford   | Hollister | Moseley | Speaker    |
| D. L. Babcock | Fort   | Houghton  | Mosher  | Springsted |
| I. H. Babcock | Fowler | Husted    | Moulton | Swain      |
| Badeau        | Geib   | Hyatt     | Murdock | Tucker     |
| Beckwith      | Goring | Judd      | Oakley  | Twombly    |

|             |             |          |            |                 |
|-------------|-------------|----------|------------|-----------------|
| Bemus       | Goss        | Kennedy  | Paige      | A. L. Van Dusen |
| Berri       | Green       | Knottles | Pell       | W. J. Van Dusen |
| Blair       | Gregory     | Lewis    | Preston    | Vedder          |
| E. E. Brown | Griffin     | Lincoln  | Prince     | Wells           |
| I. D. Brown | Haight      | Lippitt  | Roche      | Whitbeck        |
| Buell       | Haughton    | Lott     | Rose       | White           |
| Burns       | Hawkins     | Loughran | Sage       | Whitaker        |
| Burritt     | A. L. Hayes | Lynde    | Shepardson | Woodward        |
| Couchman    | Herrick     | Mackay   | Smith      | Woolsey         |
| Crandall    | A. Hill     | Marcy    | Sniper     | Yeomans         |
| Dykeman     | D. B. Hill  |          |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to authorize the appointment of commissioners to fix the grade and improve sidewalks and streets in the town of New Lots, Kings county," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Dykeman     | A. Hill    | Mackay     | Sniper          |
| Alvord        | Enos        | D. B. Hill | Morton     | Snyder          |
| D. L. Babcock | Ford        | Holdridge  | Moseley    | Speaker         |
| I. H. Babcock | Fort        | Hollister  | Mosher     | Springsted      |
| Badeau        | Fowler      | Houghton   | Moulton    | Swain           |
| Beckwith      | Geib        | Husted     | Murdock    | Tucker          |
| Bemus         | Goring      | Hyatt      | Oakley     | Twombly         |
| Berri         | Goss        | Judd       | Paige      | A. L. Van Dusen |
| Blair         | Green       | Kennedy    | Pell       | W. J. Van Dusen |
| E. E. Brown   | Gregory     | Knottles   | Preston    | Vedder          |
| I. D. Brown   | Griffin     | Lewis      | Prince     | Wells           |
| Buell         | Haight      | Lincoln    | Roche      | White           |
| Burns         | Haughton    | Lippitt    | Rose       | Whitaker        |
| Burritt       | Hawkins     | Lott       | Sage       | Woodward        |
| Couchman      | A. L. Hayes | Loughran   | Shepardson | Woolsey         |
| Crandall      | Herrick     | Lynde      | Smith      | Yeomans         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled an "Act to authorize the Ira Union Cemetery Association to acquire title to certain lands and lots No. 12 and No. 24, of the original township of Cato, now Ira, in the county of Cayuga," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |        |           |         |            |
|---------------|--------|-----------|---------|------------|
| Alberger      | Enos   | Holdridge | Morton  | Sniper     |
| Alvord        | Ford   | Hollister | Moseley | Speaker    |
| D. L. Babcock | Fort   | Houghton  | Mosher  | Springsted |
| I. H. Babcock | Fowler | Husted    | Moulton | Swain      |



|             |             |          |            |                 |
|-------------|-------------|----------|------------|-----------------|
| Badeau      | Geib        | Hyatt    | Murdock    | Tucker          |
| Beckwith    | Goring      | Judd     | Oakley     | Twombly         |
| Bemus       | Goss        | Kennedy  | Paige      | A. L. Van Dusen |
| Berri       | Green       | Knettles | Pell       | W. J. Van Dusen |
| Blair       | Gregory     | Lewis    | Pierce     | Vedder          |
| E. E. Brown | Griffin     | Lincoln  | Preston    | Wells           |
| I. D. Brown | Haight      | Lippitt  | Prince     | Whitbeck        |
| Buell       | Haughton    | Lott     | Roche      | White           |
| Burns       | Hawkins     | Loughran | Rose       | Whitaker        |
| Burritt     | A. L. Hayes | Lynde    | Sage       | Woodward        |
| Couchman    | Herrick     | Mackay   | Shepardson | Woolsey         |
| Crandall    | A. Hill     | Marcy    | Smith      | Yeomans         |
| Dykeman     | D. B. Hill  |          |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act authorizing the city of Albany to close a part of Quackenbush street, and to permit the erection of bridges over certain streets in said city," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| Alberger      | Enos        | Holdridge | Morton     | Sniper          |
| Alvord        | Ford        | Hollister | Moseley    | Speaker         |
| D. L. Babcock | Fort        | Houghton  | Mosher     | Springsted      |
| I. H. Babcock | Fowler      | Husted    | Moulton    | Swain           |
| Badeau        | Geib        | Hyatt     | Murdock    | Tucker          |
| Beckwith      | Goring      | Judd      | Oakley     | Twombly         |
| Bemus         | Goss        | Kennedy   | Paige      | A. L. Van Dusen |
| Berri         | Green       | Knettles  | Pell       | W. J. Van Dusen |
| Blair         | Gregory     | Lewis     | Preston    | Vedder          |
| E. E. Brown   | Griffin     | Lincoln   | Prince     | Wells           |
| I. D. Brown   | Haight      | Lippitt   | Roche      | Whitbeck        |
| Buell         | Haughton    | Lott      | Rose       | White           |
| Burns         | Hawkins     | Loughran  | Sage       | Whitaker        |
| Burritt       | A. L. Hayes | Lynde     | Shepardson | Woodward        |
| Couchman      | Herrick     | Mackay    | Simson     | Woolsey         |
| Crandall      | A. Hill     | Marcy     | Smith      | Yeomans         |
| Dykeman       | D. B. Hill  |           |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to amend and in addition to an act entitled 'An act to incorporate the New England Society in the city of New York,' passed April 15, 1833," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |      |           |         |            |
|---------------|------|-----------|---------|------------|
| Alberger      | Enos | Holdridge | Morton  | Snyder     |
| Alvord        | Ford | Hollister | Moseley | Speaker    |
| D. L. Babcock | Fort | Houghton  | Mosher  | Springsted |

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| I. H. Babcock | Fowler      | Hungerford | Moulton    | Swain           |
| Badeau        | Geib        | Husted     | Murdock    | Tucker          |
| Beckwith      | Goring      | Hyatt      | Oakley     | Twombly         |
| Bemus         | Goss        | Judd       | Paige      | A. L. Van Dusen |
| Berri         | Green       | Kennedy    | Pell       | W. J. Van Dusen |
| Blair         | Gregory     | Knettles   | Preston    | Vedder          |
| E. E. Brown   | Griffin     | Lewis      | Prince     | Wells           |
| I. D. Brown   | Haight      | Lincoln    | Roche      | Whitbeck        |
| Buell         | Haughton    | Lippitt    | Rose       | White           |
| Burns         | Hawkins     | Lott       | Sage       | Whitaker        |
| Burritt       | A. L. Hayes | Loughran   | Shepardson | Woodward        |
| Couchman      | Herrick     | Lynde      | Smith      | Woolsey         |
| Crandall      | A. Hill     | Mackay     | Sniper     | Yeomans         |
| Dykeman       | D. B. Hill  | Marcy      |            |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act in relation to the First Baptist Church and Society in Ogdensburgh," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| Alberger      | Enos        | Holdridge | Morton     | Snyder          |
| Alvord        | Ford        | Hollister | Moseley    | Speaker         |
| D. L. Babcock | Fort        | Houghton  | Mosher     | Springsted      |
| I. H. Babcock | Fowler      | Husted    | Moulton    | Swain           |
| Badeau        | Geib        | Hyatt     | Murdock    | Tucker          |
| Beckwith      | Goring      | Judd      | Oakley     | Twombly         |
| Bemus         | Goss        | Kennedy   | Paige      | A. L. Van Dusen |
| Berri         | Green       | Knettles  | Pell       | W. J. Van Dusen |
| Blair         | Gregory     | Lewis     | Preston    | Vedder          |
| E. E. Brown   | Griffin     | Lincoln   | Prince     | Wells           |
| I. D. Brown   | Haight      | Lippitt   | Roche      | Whitbeck        |
| Buell         | Haughton    | Lott      | Rose       | White           |
| Burns         | Hawkins     | Loughran  | Sage       | Whitaker        |
| Burritt       | A. L. Hayes | Lynde     | Shepardson | Woodward        |
| Couchman      | Herrick     | Mackay    | Smith      | Woolsey         |
| Crandall      | A. Hill     | Marcy     | Sniper     | Yeomans         |
| Dykeman       | D. B. Hill  |           |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to change the name of the First Universalist Society and Church in the city of Hudson, and to authorize said society to take and hold by gift, grant, devise, purchase or otherwise, real and personal estate,' passed March 28, 1871," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

|          |      |            |        |         |
|----------|------|------------|--------|---------|
| Alberger | Enos | D. B. Hill | Marcy  | Sniper  |
| Alvord   | Ford | Holdridge  | Morton | Speaker |

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| D. L. Babcock | Fort        | Hollister | Moseley    | Springsted      |
| I. H. Babcock | Fowler      | Houghton  | Mosher     | Swain           |
| Badeau        | Geib        | Husted    | Moulton    | Tucker          |
| Beckwith      | Goring      | Hyatt     | Murdock    | Twombly         |
| Bemus         | Goss        | Judd      | Oakley     | A. L. Van Dusen |
| Berri         | Green       | Kennedy   | Paige      | W. J. Van Dusen |
| Blair         | Gregory     | Knettles  | Pell       | Vedder          |
| E. E. Brown   | Griffin     | Lewis     | Preston    | Wells           |
| I. D. Brown   | Haight      | Lincoln   | Prince     | Whitbeck        |
| Buell         | Haughton    | Lippitt   | Roche      | White           |
| Burns         | Hawkins     | Lott      | Rose       | Whitaker        |
| Burritt       | A. L. Hayes | Loughran  | Sage       | Woodward        |
| Couchman      | Herrick     | Lynde     | Shepardson | Woolsey         |
| Crandall      | A. Hill     | Mackay    | Smith      | Yeomans         |
| Dykeman       |             |           |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act providing for the application of the taxes hereafter assessed upon the New York and Oswego Midland Railroad Company in the town of Thompson, Sullivan county, for town purposes, in payment of interest and principal to become due on the bonds executed as hereafter to be issued by the town of Bethel, and like bonds issued or to be issued by the village of Monticello, to aid in the construction of the New York and Oswego Midland railroad and its branches; and to provide for the deficiency of town taxes occasioned thereby," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Enos        | D. B. Hill | Marcy      | Sniper          |
| Alvord        | Ford        | Holdridge  | Morton     | Speaker         |
| D. L. Babcock | Fort        | Hollister  | Moseley    | Springsted      |
| I. H. Babcock | Fowler      | Houghton   | Mosher     | Swain           |
| Badeau        | Geib        | Husted     | Moulton    | Tucker          |
| Beckwith      | Goring      | Hyatt      | Murdock    | Twombly         |
| Bemus         | Goss        | Judd       | Oakley     | A. L. Van Dusen |
| Berri         | Green       | Kennedy    | Paige      | W. J. Van Dusen |
| Blair         | Gregory     | Knettles   | Pell       | Vedder          |
| E. E. Brown   | Griffin     | Lewis      | Preston    | Wells           |
| I. D. Brown   | Haight      | Lincoln    | Prince     | Whitbeck        |
| Buell         | Haughton    | Lippitt    | Roche      | White           |
| Burns         | Hawkins     | Lott       | Rose       | Whitaker        |
| Burritt       | A. L. Hayes | Loughran   | Sage       | Woodward        |
| Couchman      | Herrick     | Lynde      | Shepardson | Woolsey         |
| Crandall      | A. Hill     | Mackay     | Smith      | Yeomans         |
| Dykeman       |             |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend the act entitled 'An act to amend the several acts incorporating the village of Owego, in the county of Tioga,' passed April 9, 1851," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a



majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Dykeman     | A. Hill    | Mackay     | Sniper          |
| Alvord        | Enos        | D. B. Hill | Marcy      | Speaker         |
| D. L. Babcock | Ford        | Holdridge  | Morton     | Springsted      |
| I. H. Babcock | Fort        | Hollister  | Moseley    | Swain           |
| Badeau        | Fowler      | Houghton   | Mosher     | Tucker          |
| Beckwith      | Geib        | Husted     | Moulton    | Twombly         |
| Bemus         | Goring      | Hyatt      | Murdock    | A. L. Van Dusen |
| Berri         | Goss        | Judd       | Oakley     | W. J. Van Dusen |
| Blair         | Green       | Kennedy    | Paige      | Vedder          |
| E. E. Brown   | Gregory     | Knettles   | Pell       | West            |
| I. D. Brown   | Griffin     | Lewis      | Preston    | Whitbeck        |
| Buell         | Haight      | Lincoln    | Prince     | White           |
| Burns         | Haughton    | Lippitt    | Rose       | Whitaker        |
| Burritt       | Hawkins     | Lott       | Sage       | Woodward        |
| Couchman      | A. L. Hayes | Loughran   | Shepardson | Woolsey         |
| Crandall      | Herrick     | Lynde      | Smith      | Yeomans         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to incorporate the Little Valley Water-works Company," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Dykeman     | D. B. Hill | Marcy      | * Sniper        |
| Alvord        | Enos        | Holdridge  | Morton     | Speaker         |
| D. L. Babcock | Ford        | Hollister  | Moseley    | Springsted      |
| I. H. Babcock | Fort        | Houghton   | Mosher     | Swain           |
| Badeau        | Fowler      | Husted     | Moulton    | Tucker          |
| Beckwith      | Geib        | Hyatt      | Murdock    | Twombly         |
| Bemus         | Goring      | Judd       | Oakley     | A. L. Van Dusen |
| Berri         | Goss        | Kennedy    | Paige      | W. J. Van Dusen |
| Blair         | Green       | Knettles   | Pell       | Vedder          |
| E. E. Brown   | Gregory     | Lewis      | Preston    | Wells           |
| I. D. Brown   | Griffin     | Lincoln    | Prince     | Whitbeck        |
| Buell         | Haight      | Lippitt    | Roche      | White           |
| Burns         | Hawkins     | Lott       | Rose       | Whitaker        |
| Burritt       | A. L. Hayes | Loughran   | Sage       | Woodward        |
| Couchman      | Herrick     | Lynde      | Shepardson | Woolsey         |
| Crandall      | A. Hill     | Mackay     | Smith      | Yeomans         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to incorporate the South Worcester Cemetery Association," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 77 }  
{ NOES 3 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| A?berger      | Dykeman     | A. Hill    | Mackay     | Smith           |
| Alvord        | Enos        | D. B. Hill | Marcy      | Sniper          |
| D. L. Babcock | Ford        | Holdridge  | Morton     | Swain           |
| I. H. Babcock | Fort        | Hollister  | Moseley    | Tucker          |
| Badeau        | Fowler      | Houghton   | Mosher     | Twombly         |
| Beckwith      | Geib        | Hyatt      | Moulton    | A. L. Van Dusen |
| Bemus         | Goring      | Judd       | Murdock    | W. J. Van Dusen |
| Berri         | Goss        | Kennedy    | Oakley     | Vedder          |
| Blair         | Green       | Knettles   | Paige      | Wells           |
| E. E. Brown   | Gregory     | Lewis      | Pell       | Whitbeck        |
| I. D. Brown   | Griffin     | Lincoln    | Preston    | White           |
| Buell         | Haight      | Lippitt    | Roche      | Whitaker        |
| Burns         | Haughton    | Lott       | Rose       | Woodward        |
| Burritt       | Hawkins     | Loughran   | Sage       | Woolsey         |
| Couchman      | A. L. Hayes | Lynde      | Shepardson | Yeomans         |
| Crandall      | Herrick     |            |            |                 |

Those who voted in the negative, were

Husted          Prince          Speaker

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to incorporate the Soldiers' Monument Society of Niagara county," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Enos        | D. B. Hill | Marcy      | Sniper          |
| Alvord        | Ford        | Holdridge  | Morton     | Speaker         |
| D. L. Babcock | Fort        | Hollister  | Moseley    | Springsted      |
| I. H. Babcock | Fowler      | Houghton   | Mosher     | Swain           |
| Badeau        | Geib        | Husted     | Moulton    | Tucker          |
| Beckwith      | Goring      | Hyatt      | Murdock    | Twombly         |
| Bemus         | Goss        | Jacobs     | Oakley     | A. L. Van Dusen |
| Berri         | Green       | Judd       | Paige      | W. J. Van Dusen |
| Blair         | Gregory     | Knettles   | Pell       | Vedder          |
| E. E. Brown   | Griffin     | Lewis      | Preston    | Wells           |
| I. D. Brown   | Haight      | Lincoln    | Prince     | Whitbeck        |
| Buell         | Haughton    | Lippitt    | Roche      | White           |
| Burns         | Hawkins     | Lott       | Rose       | Whitaker        |
| Burritt       | A. L. Hayes | Loughran   | Sage       | Woodward        |
| Couchman      | Herrick     | Lynde      | Shepardson | Woolsey         |
| Crandall      | A. Hill     | Mackay     | Smith      | Yeomans         |
| Dykeman       |             |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to provide for the adjusting of certain accounts of the city of Brooklyn," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a

majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Dykeman     | A. Hill    | Mackay     | Sniper          |
| Alvord        | Enos        | D. B. Hill | Marcy      | Speaker         |
| D. L. Babcock | Ford        | Holdridge  | Morton     | Springsted      |
| I. H. Babcock | Fort        | Hollister  | Moseley    | Swain           |
| Badeau        | Fowler      | Houghton   | Mosher     | Tucker          |
| Beckwith      | Geib        | Husted     | Moulton    | Twombly         |
| Bemus         | Goring      | Hyatt      | Murdock    | A. L. Van Dusen |
| Berri         | Goss        | Judd       | Oakley     | W. J. Van Dusen |
| Blair         | Green       | Kennedy    | Paige      | Vedder          |
| E. E. Brown   | Gregory     | Knettles   | Pell       | Wells           |
| I. D. Brown   | Griffin     | Lewis      | Preston    | Whitbeck        |
| Buell         | Haight      | Lincoln    | Roche      | White           |
| Burns         | Haughton    | Lippitt    | Rose       | Whitaker        |
| Burritt       | Hawkins     | Lott       | Sage       | Woodward        |
| Couchman      | A. L. Hayes | Loughran   | Shepardson | Woolsey         |
| Crandall      | Herrick     | Lynde      | Smith      | Yeomans         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to legalize certain proceedings of the common council of the city of Buffalo, and for the relief of Frederick Haake," being announced for a third reading,

On motion of Mr. Alberger, and by unanimous consent, said bill was amended by striking out the word "one" on line 2, section 1.

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Dykeman     | D. B. Hill | Marcy      | Speaker         |
| Alvord        | Enos        | Holdridge  | Morton     | Springsted      |
| D. L. Babcock | Ford        | Hollister  | Moseley    | Swain           |
| I. H. Babcock | Fort        | Houghton   | Mosher     | Tucker          |
| Badeau        | Fowler      | Husted     | Moulton    | Twombly         |
| Beckwith      | Geib        | Hyatt      | Murdock    | A. L. Van Dusen |
| Bemus         | Goring      | Judd       | Oakley     | W. J. Van Dusen |
| Berri         | Goss        | Kennedy    | Paige      | Vedder          |
| Blair         | Green       | Knettles   | Pell       | Wells           |
| E. E. Brown   | Gregory     | Lewis      | Preston    | Whitbeck        |
| I. D. Brown   | Griffin     | Lincoln    | Roche      | White           |
| Buell         | Haight      | Lippitt    | Rose       | Whitaker        |
| Burns         | Hawkins     | Lott       | Sage       | Woodward        |
| Burritt       | A. L. Hayes | Loughran   | Shepardson | Woolsey         |
| Couchman      | Herrick     | Lynde      | Smith      | Yeomans         |
| Crandall      | A. Hill     | Mackay     | Sniper     |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.



The bill entitled "An act to lay out a public highway in the towns of Rutland and Le Ray, in the county of Jefferson," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 77 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| Alberger      | Enos        | Holdridge | Marcy      | Speaker         |
| Alvord        | Ford        | Hollister | Morton     | Springsted      |
| D. L. Babcock | Fort        | Houghton  | Moseley    | Swain           |
| I. H. Babcock | Fowler      | Husted    | Mosher     | Tucker          |
| Badeau        | Geib        | Hyatt     | Moulton    | Twombly         |
| Beckwith      | Goring      | Judd      | Murdock    | A. L. Van Dusen |
| Bemus         | Goss        | Kennedy   | Paige      | W. J. Van Dusen |
| Berri         | Green       | Knettles  | Pell       | Vedder          |
| Blair         | Gregory     | Lewis     | Preston    | Wells           |
| E. E. Brown   | Griffin     | Lincoln   | Rose       | Whitbeck        |
| I. D. Brown   | Haight      | Lippitt   | Sage       | White           |
| Buell         | Hawkins     | Lott      | Shepardson | Whitaker        |
| Burritt       | A. L. Hayes | Loughran  | Smith      | Woodward        |
| Couchman      | Herrick     | Lynde     | Sniper     | Woolsey         |
| Crandall      | A. Hill     | Mackay    | Snyder     | Yeomans         |
| Dykeman       | D. B. Hill  |           |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Snyder introduced a bill entitled "An act to provide the village of Lansingburgh, in the county of Rensselaer, with a supply of pure and wholesome water," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Kilian introduced a bill entitled "An act in relation to the marine court of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Hawkins introduced a bill entitled "An act repealing the act entitled 'An act for the appointment of commissioners of records for the city and county of New York,' passed April 13, 1855, and providing for the sale and disposition of the indices, records, documents and property held by said commissioners under said act," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Prince introduced a bill entitled "An act to amend the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend sections 186 and 187 of the Code," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. D. L. Babcock introduced a bill entitled "An act to amend the charter of the city of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to amend chapter 280 of the Laws of 1845, relative to the publication of the session laws in each county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public printing.

Mr. Foley introduced a bill entitled "An act to amend an act relative to sheriffs' certificates upon the sale of real estate, passed March 2, 1857," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Woodward introduced a bill entitled "An act for the relief of the Luzerne Water-works Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Roche introduced a bill entitled "An act to amend an act entitled 'An act to provide for a deputy clerk for the court of general sessions of Kings county,' passed April 10, 1854," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. D. B. Hill introduced a bill entitled "An act authorizing the city of Elmira to use a portion of the Chemung canal for a public street, and for other purposes," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Mr. Carroll introduced a bill entitled "An act to provide for the construction of a canal bridge over the Erie canal at Madison street, in the city of Rome," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

Also, a bill entitled "An act relative to school moneys in the city of Rome," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

Mr. Badeau introduced a bill entitled "An act to regulate taxation for road purposes in the village of Tarrytown," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Also, a bill entitled "An act to amend an act entitled 'An act for the incorporation of villages,' passed April 20, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

On motion of Mr. Jacobs,

*Resolved*, That the Comptroller be requested to furnish information upon the following points, and report the same to the Assembly as soon as practicable :

1. The actual deficiency of means to pay appropriations from the general fund for current year, with statement in detail of the particular appropriations for which no appropriation is made.

2. The amount of tax necessary to pay deficiencies.

3. The estimates in detail of the necessary expenditures for the fiscal year commencing October 1, 1872, exclusive of expenditures for extraordinary repairs of the canals, and the new capitol, and the tax necessary to be levied to pay the same.

Mr. Jacobs offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the Auditor of the Canal Department be requested to furnish information upon the following points, and report the same to the Assembly as soon as practicable :

1. As to the amount appropriated by each of the bills referred to by Mr. Alvord's bills paid in 1870 and 1871.

2. The amounts yielded by the tax under each bill.

3. The actual deficiency or surplus under each bill.

4. The amount of expenditures under each of the bills in excess of the appropriations.

5. The amount of indebtedness actually existing or outstanding, and by whom and what authority created, and under what circumstances.

6. Whether money can be loaned on the credit of the Sinking Fund for any deficiency to meet the requirements of section 3 of article 7 of the Constitution.

7. What amounts will be necessary to make the payments upon the canal debt, provided for by that section, already due or to become due during the current fiscal year in excess of the probable contributions to the Sinking Fund from the revenues of the canals applicable to that object.

Mr. Speaker then put the question whether the House would agree to said resolution, and it was determined in the negative.

On motion of Mr. Hawkins,

*Resolved*, That Senate bill No. 224, entitled "An act to make provision for the local government of the city of New York for the year 1872," be referred back to the committee on the affairs of cities, retaining its place on general orders.

Mr. Yeomans offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved* (if the Senate concur), That twenty copies of the annual report of the Transactions of the American Institute of the city of New York, for the year 1871, be printed for each member, officer and reporter of the Legislature, 1,500 copies for the use of said Institute, twenty copies for each county agricultural society in counties electing one member of Assembly, and a proportionate number in counties electing more than one member of Assembly, ten copies for each town or union agricultural society, and fifty copies for the Regents of the University, and that the said report be bound in the same manner as last year and distributed as designated without delay.

*Ordered*, That said resolution be laid on the table.

Mr. Yeomans, offered for the consideration of the House a resolution in the words following, to wit :

*Resolved* (if the Senate concur), That twenty copies of the Transactions of the New York State Agricultural Society, for the year 1871, be printed for each member, officer and reporter of the Legislature, 1,500 copies for the use of the Society, twenty copies for the county agricultural society in each county electing one member of Assembly, and a proportionate number in counties electing more than one member of Assembly, fifteen copies for each town and union agricultural society, 420 copies for the American Institute in the city of New York, and 100 copies for the Regents of the University, and that the said report be bound in the same manner as last year and distributed, as above provided, without delay.

*Ordered*, That said resolution be laid on the table.



Mr. Vedder offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the committee on internal affairs be empowered and directed to investigate the affairs of the Western Union Telegraph Company, with power to send for persons and papers, and that they report to this House at their earliest convenience.

Said resolution giving rise to debate,

*Ordered*, That the same be laid on the table.

Mr. Hawkins called from the table a resolution previously offered by him, amended so as to read as follows :

*Whereas*, It has become a matter of public notoriety, founded upon repeated newspaper reports, which have not been contradicted, and it is generally believed that grave abuses of power and frauds of various kinds have been perpetrated by charter and county officers in the city and county of New York, greatly to the detriment of the public service, in the department of public works, the tax commissioners' office, police department, the office of the bureau of elections, the surrogate's office, and in the opening, extension, widening and paving of streets, and especially where streets have been paved with wood pavements; and

*Whereas*, It is believed that the same allegations of abuse of power and fraudulent practices can be sustained in relation to some transactions of the present water commissioners in the city of Brooklyn; it is now, therefore,

*Resolved*, That the committee on the affairs of cities, or a sub-committee thereof, is hereby authorized to proceed to said cities of New York and Brooklyn for the purpose of investigating and making inquiry as to the origin, perpetration and extent of said abuses and frauds, with full power to send for all persons, books and papers which may be deemed necessary for a complete exposition of the subjects mentioned; and said committee may employ George E. Miles, a stenographer, to record their proceedings, at an expense not exceeding twenty-five cents per folio; and further, that the clerk and messenger are authorized to accompany said committee, and that they be allowed to sit for the purpose of making such investigation during the recess of the Legislature.

Mr. Alvord moved to strike out all of such resolution as relates to said committee sitting during the recess; also, as regards investigation into the affairs of the surrogate's office, and also reducing the compensation of the stenographer to fifteen cents per folio.

Said resolution giving rise to debate,

*Ordered*, That the same be laid on the table.

Mr. D. B. Hill offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved* (if the Senate concur), That a respectful message be sent to His Excellency the Governor requesting him to return Assembly bill No. 51, entitled "An act in relation to the Chemung Railroad Company," for amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver said resolution to the Senate, and request their concurrence therein.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend the charter of the village of Saratoga Springs, and the several acts amendatory thereof,' passed March 26, 1866, and for non-resident leases,"

reported in favor of the passage of the same, with amendments, and the title amended so as to read "An act to amend section 53 of an act entitled 'An act to amend the charter of the village of Saratoga Springs, and the several acts amendatory thereof,' passed March 26, 1866," which report was agreed to, and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act for the incorporation of villages,' passed April 20, 1870," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Sniper offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the Clerk of this House be authorized to procure one copy of Webster's Unabridged Dictionary, to be placed in the Assembly Library, for the use of the members and officers of this Legislature.

*Ordered*, That said resolution be referred to the committee on the expenditures of the House.

Mr. Sniper offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That there be printed and bound in cloth 200 copies of the report of the Commissary-General and Chief of Ordnance, for the use of the Ordnance Department.

*Ordered*, That said resolution be referred to the committee on public printing.

On motion of Mr. Sniper,

*Resolved*, That the committee on State charitable institutions be discharged from the further consideration of the bill entitled "An act to incorporate the Soldiers' Home," and that the same be referred to the committee on ways and means.

Mr. Husted offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That twenty-five hundred (2,500) copies of the annual report of the Institution for the Improved Instruction of Deaf-mutes, be printed for the use of the members of the Legislature and the trustees of said institution.

*Ordered*, That said resolution be referred to the committee on public printing.

On motion of Mr. Enos,

*Resolved*, That Assembly bill No. 116, entitled "An act to amend an act relative to the town of Wilna, Jefferson county," be printed as amended.

Mr. Hawkins moved that the House now adjourn to meet to-morrow morning at 10 o'clock.

Mr. Alvord moved that the House now adjourn.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Roche then moved to amend by striking out all after the word "adjourn" and insert the words "to meet on Monday at 7½ o'clock P. M."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Hawkins, and it was determined in the affirmative.

At 10 o'clock the House adjourned.

## SATURDAY, MARCH 30, 1872.

The House met pursuant to adjournment.

No clergyman present.

On motion of Mr. Woolsey, the reading of the journal of yesterday was dispensed with.

On motion of Mr. Hawkins, the committee on the judiciary was discharged from the further consideration of the bill entitled "An act repealing an act entitled 'An act for the appointment of commissioners of records for the city and county of New York,' passed April 13, 1855, and providing for the sale and disposition of indices, records, documents and property held by said commissioners under said act," and said bill was referred to the committee on the affairs of cities.

Leave of absence was granted to Messrs. Beckwith and Eastman until Monday evening, and to Messrs. Bennett, Herrick and Hyatt until Tuesday, to Mr. A. Hill until Tuesday evening, and to Mr. Kingsland indefinitely.

Mr. Roche moved a call of the roll; when the following gentlemen answered to their names :

|             |             |          |            |                 |
|-------------|-------------|----------|------------|-----------------|
| Alvord      | Green       | Kennedy  | Niles      | Speaker         |
| Beckwith    | Gregory     | Knapp    | Pell       | Swain           |
| E. E. Brown | Griffin     | Knettles | Preston    | Tucker          |
| Buell       | Haight      | Lewis    | Prince     | W. J. Van Dusen |
| Burritt     | Hawkins     | Loughran | Roche      | Vedder          |
| Couchman    | A. L. Hayes | Mackay   | Sage       | Wells           |
| Dykeman     | Herrick     | Marcy    | Shepardson | Whitaker        |
| Ford        | D. B. Hill  | Moseley  | Smith      | Woodward        |
| Fort        | Houghton    | Mosher   | Smyth      | Woolsey         |
| Fowler      | Hungerford  | Moulton  | Sniper     | Wyman           |
| Geib        | Hyatt       | Murdock  | Snyder     | Yeomans         |
| Goss        |             |          |            |                 |

Mr. Woolsey then moved that the roll be called again; when the following gentlemen answered to their names :

|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| Alberger    | Geib        | Hungerford | Mosher     | Snyder          |
| Alvord      | Goss        | Husted     | Moulton    | Speaker         |
| Beckwith    | Green       | Hyatt      | Murdock    | Springsted      |
| Berri       | Greenhalgh  | Judd       | Niles      | Swain           |
| E. E. Brown | Gregory     | Kennedy    | Pell       | Tucker          |
| I. D. Brown | Griffin     | Knapp      | Preston    | W. J. Van Dusen |
| Buell       | Haight      | Knettles   | Prince     | Vedder          |
| Burritt     | Hawkins     | Lewis      | Roche      | Wells           |
| Couchman    | A. L. Hayes | Loughran   | Sage       | Whitaker        |
| Crandall    | Herrick     | Mackay     | Shepardson | Woodward        |
| Dykeman     | D. B. Hill  | Marcy      | Smith      | Woolsey         |
| Ford        | Holdridge   | Moore      | Smyth      | Wyman           |
| Fort        | Hollister   | Moseley    | Sniper     | Yeomans         |
| Fowler      | Houghton    |            |            |                 |

Mr. Griffin introduced a bill entitled "An act to authorize the trustees of the village of Andes, in Delaware county, to proceed to protect said village from the effects of high water, and to raise money to pay for the same, also to amend chapter 731 of Laws of 1865, in relation thereto,"



which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Griffin, and by unanimous consent, said bill was ordered engrossed for a third reading.

Mr. E. E. Brown introduced a bill entitled "An act to provide for the safety of persons crossing railroad tracks, where the same cross the highways in the city of Auburn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Woodward introduced a bill entitled "An act authorizing the supervisor of the town of Johnsburgh, in the county of Warren, to sell and convey by deed, a lot of land known as the town poor lot, in the aforesaid town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent,

Mr. Yeomans, from the committee on agriculture, to which was referred the bill entitled "An act further to amend an act entitled 'An act to amend an act to prevent animals from running at large in the public highways,' passed April 23, 1862, passed May 19, 1867, passed April 29, 1869," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Sage offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That when this House adjourn to-day, it be to Monday next at half-past 7 o'clock P. M.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

{ AYES 44 }  
{ NOES 31 }

Those who voted in the affirmative, were

|             |             |            |         |          |
|-------------|-------------|------------|---------|----------|
| Beckwith    | Fort        | D. B. Hill | Moseley | Snyder   |
| Berri       | Fowler      | Hollister  | Mosher  | Swain    |
| Blair       | Geib        | Hungerford | Osgood  | Tucker   |
| E. E. Brown | Goring      | Husted     | Pell    | Wells    |
| I. D. Brown | Green       | Kennedy    | Preston | White    |
| Buell       | Haight      | Knapp      | Roche   | Whitaker |
| Burritt     | Hawkins     | Lippitt    | Sage    | Wyman    |
| Crandall    | A. L. Hayes | Loughran   | Smyth   | Yeomans  |
| Ford        | A. Hill     | Moore      | Sniper  |          |

Those who voted in the negative, were

|               |           |          |            |                 |
|---------------|-----------|----------|------------|-----------------|
| Alberger      | Gregory   | Knettles | Niles      | Squires         |
| Alvord        | Griffin   | Lewis    | Prince     | Twombly         |
| I. H. Babcock | Herrick   | Lincoln  | Shepardson | A. L. Van Dusen |
| Couchman      | Holdridge | Mackay   | Smith      | Vedder          |
| Dykeman       | Houghton  | Moulton  | Speaker    | Woodward        |
| Goss          | Hyatt     | Murdock  | Springsted | Woolsey         |
| Greenhalgh    |           |          |            |                 |

Mr. Knettles offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That Assembly bill No. 290, general order 324, entitled "An act to appropriate money for the building of a bridge over Cayuga inlet, in the village of Ithaca," be considered in the next committee of the whole, not full.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Alberger offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the Assembly bill, general order 421, entitled "An act to amend an act to incorporate the Buffalo East Side Railroad Company," be referred to the first committee of the whole.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

The House then resolved itself into a committee of the whole on the bills entitled as follows:

"An act to amend an act entitled 'An act to extend the powers of boards of supervisors, except in the counties of New York and Kings,' passed May 11, 1869."

"An act to appropriate money for the building of a bridge over the Cayuga inlet, in the village of Ithaca."

"An act to enable the legal voters of any town, county or city, to determine by ballot whether the sale, exposing for sale, giving away, or suffering to be exposed, sold or given away therein, of intoxicating liquors shall be prohibited, and to provide for the enforcement of prohibition when a majority declare in favor thereof; also, to regulate the sale for medicinal, mechanical, chemical or sacramental use, and to provide for the enforcement of this act."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Mosher, from said committee, reported in favor of the passage of said first and second mentioned bills, the first with amendments, and the second with an amendment; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Mosher, from said committee, also reported progress on said third mentioned bill, and asked and obtained leave to sit again.

Mr. Alvord moved that said bill be made a special order for Wednesday evening next, and that a session be held at that time for that purpose.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to amend an act entitled 'An act to provide for laying out and improving roads and avenues in the village and town of Saratoga Springs,' passed May 5, 1870."

"An act to amend an act entitled 'An act to incorporate the Buffalo East Side Street Railway Company,' passed May 10, 1870."

"An act to ascertain by proper proofs who are entitled to vote upon certificates of naturalization, purporting to have been issued within the city and county of New York by the supreme court during the month of October, in the year 1868, and by the superior court during the months of September and October of said year."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Loughran, from said committee, reported in favor of the passage of said first and second mentioned bills, the second mentioned with amend-

ments; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Loughran, from said committee, also reported in favor of the passage of said third mentioned bill, with amendments.

Mr. Alvord in the chair.

Mr. Speaker put the question whether the House would agree to said report.

Mr. D. B. Hill called for a count upon said question, which was ordered.

The affirmative vote having been announced by the Clerk, and it being apparent that a majority of the members voting had voted in the affirmative, Mr. Speaker declared the motion carried,

When Mr. D. B. Hill raised the point of order that no quorum had voted upon the question, and therefore the question could not be declared carried.

The Speaker decided the point of order not well taken,

Whereupon Mr. D. B. Hill appealed from the decision of the Chair.

Debate was had thereon, when

Mr. Speaker then gave his reasons for his decision, and then put the question "Shall the decision of the Chair stand as the judgment of the House?"

The vote having been taken, and standing affirmative 40, negative 3, Mr. D. B. Hill raised the point of order that no quorum had voted.

The Speaker decided the point of order well taken.

Mr. I. D. Brown then moved that the House now adjourn.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

At 1 o'clock and 45 minutes the House adjourned.

## MONDAY, APRIL 1, 1872—7.30 P. M.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Pohlman.

The journal of Saturday was read and approved.

The Senate returned the concurrent resolution recalling from the Governor Assembly bill No 51, entitled "An act in relation to the Chemung Railroad Company," with a message that they had concurred in the passage of the same.

*Ordered*, That the Clerk deliver said resolution to the Governor.

Also, a concurrent resolution recalling Assembly bill entitled "An act to amend an act to authorize the village of Dunkirk to issue bonds for the purpose of supplying said village with water, and to create a board of water commissioners, passed April 13, 1872," with a message that they had concurred in the passage of the same.

*Ordered*, That the Clerk deliver said resolution to the Governor.

Also, a concurrent resolution recalling Assembly bill No. 111, entitled "An act to amend an act passed May 9, 1868, entitled 'An act to amend section 3 of chapter 817 of the Laws of 1866, entitled An act to lay out and construct a road from the river road in township No. 14, in the town of Johnsburg, to the Carthage road near the head of Long lake, in



the county of Hamilton,'” with a message that they had concurred in the passage of the same.

*Ordered*, That the Clerk deliver said resolution to the Governor.

Mr. Alvord in the chair.

Mr. Speaker stated the pending question to be upon the appeal taken by Mr. D. B. Hill, from the decision of the chair, on Saturday last.

Mr. D. B. Hill then withdrew his appeal.

Mr. Speaker then put the question whether the House would agree to the report of the committee of the whole, and it was determined in the affirmative.

*Ordered*, That said bill be engrossed for a third reading.

By unanimous consent, Mr. Jacobs moved to reconsider the vote by which the resolution in the words following was lost, on Friday last :

*Resolved*, That the Auditor of the Canal Department be requested to furnish information upon the following points and report the same to the Assembly as soon as practicable :

1. As to amount appropriated by each of the bills referred to by Mr. Alvord's bills, paid in 1870 and 1871.

2. The amounts yielded by the tax under each bill.

3. The actual deficiency or surplus under each bill.

4. The amount of expenditures under each of the bills in excess of the appropriations.

5. The amount of indebtedness actually existing or outstanding and by whom and what authority created and under what circumstances.

6. Whether money can be loaned on the credit of the Sinking Fund for any deficiency to meet the requirements of section 3 of article 7 of the Constitution.

7. What amounts will be necessary to make the payments upon the Canal Debt, provided for by that section, already due or to become due during the current fiscal year, in excess of the probable contributions to the Sinking Fund from the revenues of the canals applicable.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker presented the report of the commissioners for building the third judicial district court-house, in the city of New York, in response to a resolution of the Assembly, adopted March 11, 1872 ; which was laid on the table and ordered printed.

(See *Doc. No.* 125.)

Mr. Ford presented a petition of fifty-one citizens of Binghamton for the passage of an act entitled “An act authorizing the city of Binghamton to use a portion of the Chenango canal for a public street;” which was read and referred to the committee on canals.

Mr. Rice presented a remonstrance of the Firemen's Benevolent Association of Ilion, Herkimer county, against the passage of any law having for its object the exemption of foreign insurance companies ; which was read and referred to the committee on insurance.

Mr. Bemus presented a petition of citizens of Chautauqua county, in relation to intoxicating liquors ; which was read and committed to the committee of the whole.

Mr. Berri presented the following preamble and resolutions :

*Whereas*, In the inscrutable wisdom of an all-wise and beneficent Creator, the members of this body are again called upon to mourn the death

of another of its members, the Hon. Peter G. Peck, of Brooklyn; therefore, be it

*Resolved*, That while we recognize in his death the hand of One above all and over all forever, we take the opportunity thus painfully forced upon us to testify to his general good qualities, both in public and private life, and the many genial traits of character which so greatly endeared him to the members of this House.

*Resolved*, That in his death this Legislature has lost a safe and judicious adviser, his family a kind husband and father, his district a worthy, efficient and reliable representative, and his friends generally a kind-hearted and disinterested friend.

*Resolved*, That the members of this House, in appreciation of his worth and usefulness, wear the customary badge of mourning for the remainder of the session.

*Resolved*, That a committee of five be appointed by the Speaker to attend his funeral, and assist in paying the last tribute of respect to our departed friend.

*Resolved*, That the Clerk of this House forward a copy of the foregoing preamble and resolutions to the family of the deceased.

*Resolved*, That this House do now adjourn.

Debate was had thereon, when

Mr. Speaker put the question whether the House would agree to said resolutions, and they were unanimously adopted.

And in accordance therewith, at 8 o'clock and 7 minutes, the House adjourned.

## TUESDAY, APRIL 2, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Arthur Whitaker.

Mr. Speaker ordered the roll to be called, when the following gentlemen answered to their names:

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Alberger      | Fort       | Jacobs     | Mosher     | Sniper          |
| Alvord        | Fowler     | Judd       | Moulton    | Snyder          |
| D. L. Babcock | Geib       | Kennedy    | Murdock    | Speaker         |
| Beckwith      | Green      | Killian    | Niles      | Squires         |
| Bemus         | Greenhalgh | Knapp      | Oakley     | Swain           |
| Bennett       | Gregory    | Knettles   | Osgood     | Tobey           |
| Berri         | Griffin    | Lewis      | Paige      | M. M. Tompkins  |
| E. E. Brown   | Haight     | Lincoln    | Prince     | Tucker          |
| I. D. Brown   | Haughton   | Lippitt    | Ray        | Twombly         |
| Buell         | J. Hayes   | G. P. Lord | Rice       | A. L. Van Dusen |
| Burns         | D. B. Hill | Loughran   | Roche      | W. J. Van Dusen |
| Burrill       | Holdridge  | Lynde      | Sage       | Vedder          |
| Cook          | Hollister  | Mackay     | Shepardson | Wells           |
| Dunphy        | Houghton   | Marcy      | Simson     | West            |
| Eastman       | Hungerford | Moore      | Smith      | Whitaker        |
| Foley         | Hyatt      | Moseley    | Smyth      | Woodward        |
| Ford          |            |            |            |                 |

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The journal of yesterday was then read and approved.

Mr. Lincoln called from the table the report of the sub-committee of the whole, in favor of the passage of the bills entitled as follows:

"An act in relation to the East and West Martinsburgh burial-ground."

"An act to amend section 2 of chapter 890 of the Laws of 1868, entitled 'An act to authorize Lewis Runyon to establish and maintain a ferry across Seneca lake at Lodi landing.'"

"An act authorizing John Rosekrans, of Wayland, in the county of Steuben, to remove the remains of certain persons buried on his premises to the Wayland cemetery, in said town."

Senate, "An act to allow the town of Bethany, Genesee county, to raise an increased amount of money for the support of roads and bridges in said town." [With amendments.]

"An act to provide for the improvement of the highways extending from Lansing street, Genesee street and Caroline avenue, in the village of West Troy, to the Loudon road in the town of Watervliet (highways lying in part in the town of Watervliet, and in part in the village of West Troy), and to authorize the board of supervisors of the county of Albany to assess the expense thereof upon the said town."

"An act to erect an armory in Greenpoint, seventeenth ward in the city of Brooklyn."

"An act for the relief of Thomas O'Brien. [With amendment.]

Senate, "An act to amend an act entitled 'An act to supply the village of Middletown with water for public and private purposes,' passed April 3, 1866." [With amendments.]

"An act concerning certain female habitual drunkards, vagrants and prostitutes, in the city of Brooklyn and county of Kings." [With amendments.]

"An act to amend an act entitled 'An act to incorporate the Elmira Park Association,' passed April 13, 1871."

"An act to amend an act entitled 'An act to enable non-resident guardians to obtain property in this State belonging to their wards residing in other States or territories of the United States,' passed March 10, 1870, and to extend the provisions of said act so as to apply to non-resident trustees and beneficiaries under the trust."

"An act in relation to mechanics' liens." [With amendments.]

"An act to amend act entitled 'An act to amend and consolidate the several acts relating to the village of Lansingburgh,' passed April 16, 1864." [With amendments.]

"An act to authorize the county clerk of Montgomery county to sign the certificates of record of deeds and mortgages and other records, or of filing of papers recorded or filed in Montgomery county clerk's office, which were not signed by the former clerk of said county of Montgomery."

"An act to repeal chapter 287, of the laws passed April 4, 1871, being 'An act to amend the law for the assessment and collection of taxes in the cases when farms or lots are divided by county lines.'" [With amendments.]

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative.

*Ordered,* That said bills be engrossed for a third reading.

By unanimous consent, Mr. Strahan introduced a bill entitled "An act to authorize the city of Newburgh to borrow money and issue bonds therefor for the payment of the existing contingent debt of said city and to provide for the payment of said bonds and the interest thereon by levy and collection of taxes," which was read the first time, and by



unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Foley, from the committee on local and special laws, to which was referred the bill entitled an act to amend chapter 907 of the Laws of 1871, being the general bonding law," reported in favor of the passage of the same with amendments, and that the same is a general law and should therefore be placed on the preferred calendar.

By unanimous consent, Mr. Wiley introduced a bill entitled "An act regulating the payment of highway taxes by railroad corporations, and to increase the powers and duties of commissioners of highways," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

By unanimous consent, Mr. Moore introduced a bill entitled "An act to legalize and confirm the acts of the railroad commissioners of the town of Morristown in issuing and delivering the bonds of said town in aid of the Black River and Morristown railroad," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Prince introduced a bill entitled "An act to amend the charter of the village of Flushing, Queens county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

A message was received from the Governor in the words following :

EXECUTIVE CHAMBER, }  
ALBANY, *April 1st*, 1872. }

*To the Assembly :*

In compliance with the joint resolution of the Senate and Assembly, I return herewith, for amendment, Assembly bill No. 111, entitled "An act to amend an act passed May 9, 1868, entitled 'An act to amend section 3 of chapter 817 of the Laws of 1866, entitled An act to lay out and construct a road from the the river road in township No. 14, in the town of Johnsburch to the Carthage road near the head of Long lake in the county of Hamilton.'"

JOHN T. HOFFMAN.

*Ordered*, That said message be laid on the table.

Also, the following :

EXECUTIVE CHAMBER, }  
ALBANY, *April 1*, 1872. }

*To the Assembly :*

In compliance with a joint resolution of the Senate and Assembly, I return herewith, for amendment, Assembly bill No. 51, entitled "An act in relation to the Chemung Railroad Company."

JOHN T. HOFFMAN.

Mr. D. B. Hill moved to reconsider the vote by which said bill was passed, and that that motion lay on the table.

Mr Speaker put the question whether the House would agree to said motion to lay on the table, and it was determined in the affirmative.

Also, the following :

EXECUTIVE CHAMBER, }  
ALBANY, *April 1*, 1872. }

*To the Assembly :*

In compliance with a joint resolution of the Senate and Assembly, I return herewith, for amendment, Assembly bill entitled "An act to amend

an act to authorize the village of Dunkirk to issue bonds for the purpose of supplying said village with water, and to create a board of water commissioners, passed April 13, 1871."

JOHN T. HOFFMAN.

*Ordered*, That said message be laid on the table.

The Senate returned the bill entitled "An act to reorganize the local government of the city of New York," with a message that they had passed the same with the following amendments:

Strike out all after the enacting clause and insert the following:

ARTICLE I.—THE CORPORATE POWERS.

SECTION 1. The corporation now existing and known by the name of "The mayor, aldermen and commonalty of the city of New York," shall continue to be a body politic and corporate, in fact and in name, by the same name, and shall have perpetual succession, with all the grants, powers and privileges heretofore held by the mayor, aldermen and commonalty of the city of New York, and not modified or repealed by the provisions hereinafter made by this act.

ARTICLE II.—THE LEGISLATIVE POWERS.

§ 2. The legislative power of the said corporation shall be vested in a common council consisting of a board of aldermen, which shall consist of six members from each Senate district, to be elected as hereinafter provided, and of a board of assistant aldermen, which shall consist of two members from each Assembly district, to be elected as hereinafter provided.

§ 3. There shall be aldermen and assistant aldermen elected, who shall be residents of the city of New York, at an election to be held under this act on the fourth Tuesday of April, in the year eighteen hundred and seventy-two, and on the second Tuesday of the month of April in every year thereafter, to hold office for the term commencing on the first Monday of May next after their election, and until the first Monday of May of the succeeding year.

§ 4. At such election each qualified voter in each Senate district may give one written or printed, or partly written and partly printed, ballot, with the indorsement "Alderman," and one written or printed, or partly written and partly printed, ballot, with the indorsement "Assistant Aldermen," each of which shall contain a list of not more than six names. The voter may repeat on such list the same name six times, or may make such list to consist of six different names, or may repeat any one or more name or names on said list as often as he may see fit. After the closing of the polls on the day of election, the canvass in each election district of the Senate district shall be completed by ascertaining, assorting and making returns to the county canvassers of the number of votes given for each candidate. Any ballot containing more than six names shall be rejected. From the returns so made, the county canvassers shall determine the names of the six persons having the largest number of votes in each Senate district for aldermen and for assistant aldermen, respectively, and they shall be returned as elected. In the event of a vacancy or vacancies arising by reason of less than six persons being voted for in any Senate district for either of such officers, such vacancy or vacancies shall remain unfilled for the ensuing year. In the event of two or more of the persons voted for in any Senate district

having received an equal number of votes for either of such officers, under such circumstances that there shall be no full number of six persons having received a higher number of votes than any others, the aldermen and assistant aldermen elected at such election shall, respectively, within five days after their organization, select and determine by lot from among the said persons so having received an equal number of votes, a number sufficient to make up the full delegation of six members from such Senate district, and the persons so selected shall be deemed elected. The persons elected need not be residents of the Senate districts from which they shall be elected, but shall have been residents of the city of New York for the period of at least thirty days previous to the election. All the provisions of law relating to general elections in the city of New York, so far as they may be applicable in respect to the manner of conducting elections, or to the canvass and estimates of votes, shall apply to every election of aldermen and assistant aldermen.

§ 5. In case of vacancies, amounting in the whole to one-fourth of either board, occurring after the fourth Monday of April in any year, and before the first day of February in the succeeding year, the said vacancies shall be filled by new elections to be held in the respective Senate district or districts in which the vacancies shall have occurred, at a time to be appointed by the board. Such election shall be held in the manner and on the principles prescribed in section four of this act, so far as the same are applicable.

§ 6. A majority of each board shall be a quorum thereof.

§ 7. Each board shall :

1. Choose a president from its own members by a majority of its members;
2. Appoint a clerk and other officers;
3. Determine the rules of its own proceedings;
4. Be the judge of the returns of elections, and the right of election and judge of the qualifications of its own members;
5. Keep a journal of its proceedings;
6. Sit with open doors, and
7. Shall have authority to compel the attendance of absent members; to punish its members for disorderly behavior; and to expel a member with the concurrence of four-fifths of the members elected to the board.

§ 8. The first meeting of the boards shall be held on the first Monday of May after the election, at five o'clock in the afternoon, at the rooms of the common council in the city hall, and at such meeting each board shall appoint and determine the days and hours for its stated meetings: Provided, that the hour for opening stated or adjourned meetings shall be fixed between the hours of five and eight in the evening.

§ 9. Every legislative act of the common council shall be by resolution or ordinance, and every act, ordinance or resolution, except as hereinafter provided, shall, before it takes effect, be presented duly engrossed and certified to the mayor for his approval: Provided, however, that this section shall not apply to the acts of the board of aldermen in appointing and electing commissioners or members of boards of departments. Each board may originate, amend, concur in, or reject any law, ordinance or resolution.

§ 10. The mayor shall sign each resolution or ordinance if he approve it, or return the same to the board in which it originated, within ten days, Sundays excepted, if he does not approve it, with the reason therefor; and if thereupon each board shall pass the same after five days, and



within ten days, Sundays excepted, after such veto by a vote of two-thirds of all the members elected thereto, such resolution or ordinance shall become as effective as though the mayor had signed the same. It shall equally become effective if he shall neglect to return the same within such ten days. In case an ordinance or resolution shall embrace appropriations or expenditures for more than one object, the mayor may veto one or more items, and those which he shall approve shall become effective, and every item which he shall not approve shall be again voted upon and shall only become effective if again passed as above provided.

§ 11. No resolution or ordinance for alienating or leasing any property of the city, or which involves the appropriation of public moneys or the incurring of any expense, or the taxing or assessing the citizens of said city, shall be passed or adopted until at least five days after the same shall have been introduced and entered upon the journal; nor shall any such ordinance or resolution be passed or adopted unless by a vote of two-thirds of the members of each board. No additional allowance beyond the legal claim which shall exist under any contract with the corporation, or for any services on its account, shall be passed except by a unanimous vote of all the members of each board present.

§ 12. No resolution or ordinance appropriating any money, or giving any property of the city, or loaning the credit of the city to, or authorizing the incurring of any expense on account of any eleemosynary or charitable institution or purpose, shall be passed or adopted, unless such appropriation, gift or loan shall have been first reported upon by the department of charities and correction hereinafter created.

§ 13. No resolution or ordinance appropriating any money, or giving any property of the city, or loaning the credit of the city to any educational institution or purpose, shall be passed or adopted, unless such appropriation, gift or loan shall have been first reported upon by the department of public instruction hereinafter created.

§ 14. The clerk of the board of aldermen shall keep the seal of the city; and his signature shall be necessary to all leases, grants and other documents, as under existing laws. He may employ such number of assistant clerks, including a librarian (who shall prepare and publish the city journal provided for in this act), as the board of aldermen may authorize: Provided, that the whole amount appropriated for the pay of the said clerk and that of his assistants shall not in any year exceed the sum of thirty thousand dollars. He may assign any clerk to any duties other than those for which he was first employed.

§ 15. Immediately after adjournment the clerk of each board shall, omitting all formal and technical details, prepare a brief abstract of all resolutions and ordinances introduced, and all recommendations of committees which propose or contemplate any specific improvement, involving the appropriation of public moneys, or the taxing or assessing the property of the citizens of the city. Such abstract shall be published daily in such form as the commissioners of the treasury hereinafter named shall deem most convenient, together with the abstracts of the reports of the departments hereinafter provided for, which publication shall be known as the city journal, and a file of which shall be kept in every department of the city government. Such publication shall be a sufficient compliance with any law requiring a publication of any of the proceedings of the common council or either board thereof.

§ 16. The common council shall have the exclusive power to appropriate money for every branch and object of city expenditure; and no

money shall be drawn from the city treasury, unless the same shall have been previously appropriated by the common council according to law. They shall succeed to and be exclusively vested with all the powers and rights in relation to the incurring of indebtedness, and the raising and appropriating of public moneys now possessed by or vested in any department of the city government, excepting only the department of public instruction.

§ 17. The common council shall have power to make, continue, modify and repeal such acts ordinances, regulations and resolutions as may be necessary to carry into effect any and all the powers now vested in, or by this act conferred upon the corporation, and shall have power to enforce obedience to said ordinances, regulations and resolutions, and observance thereof, by ordaining penalties for each and every violation, and in such sums as may be deemed expedient, not exceeding one hundred dollars. Neither the common council nor either board, nor any member thereof, shall create any new department not provided for in this act, or exercise any executive function not expressly conferred by this act.

§ 18. Except in anticipation of the revenues of the then current year, the mayor, aldermen and commonalty of the city of New York shall not have authority to borrow any moneys whatever on the credit of the corporation, or contract any debt, or loan the credit of the corporation beyond the sums now authorized by law, unless such loan shall be authorized by a special act of the Legislature upon application therefor made by said corporation.

§ 19. No member of the common council shall receive any salary, fees or compensation whatever.

#### ARTICLE III.—THE EXECUTIVE POWER.

§ 20. The executive power of the corporation shall be vested in the mayor and the departments herein created.

§ 21. The mayor shall be the chief executive officer of the corporation. He shall be elected by the qualified voters of said city at the said election, on the fourth Tuesday of April, in the year eighteen hundred and seventy-two, and on the second Tuesday of April in every year thereafter, and shall hold his office for the term commencing on the first Monday of May next, after his election, and ending on the first Monday of May of the succeeding year.

§ 22. Whenever the mayor shall, from any cause whatever, be prevented from attending to the duties of his office, the president of the board of aldermen shall act as mayor, and possess all the rights and powers of mayor. But it shall not be lawful for the president of the board of aldermen, when so acting as mayor, to exercise any of the powers of appointment to, or removal from, office vested in the mayor by this act, unless the disability or absence of the mayor shall have continued at least ten days successively, nor to sign or approve any ordinance or resolution of the board of aldermen, unless the disability or absence of the mayor shall have continued at least five days successively.

§ 23. Whenever a vacancy in the office of mayor shall take place between the third Monday of April and the tenth day of October in any year, the board of aldermen shall forthwith order a special election for the office of mayor to be held at the then next general election for State or federal officers. Until such vacancy is filled, as herein provided, the board of aldermen shall elect a mayor, who shall hold office for the intervening term; and they shall in like manner elect a mayor when a



vacancy in the office of mayor occurs after the tenth day of October in any year, and before the third Monday of April of the succeeding year, to hold office until his successor is elected and shall have qualified. The mayor elected at such special election shall hold office for the term commencing on the Tuesday next succeeding his election, and ending on the first Monday in May next succeeding.

§ 24. It shall be the duty of the mayor :

1. To communicate to the common council, at least once in three months, a general statement of the finances, government, and improvements of the city.

2. To recommend to the common council all such measures connected with the security, health, cleanliness, and adornment of the city, and the protection and improvement of its government and finances, as he shall deem expedient.

3. To be vigilant and active in causing the ordinances of the city and laws of the State to be executed and enforced ; and for that purpose he may call together, for consultation and co-operation, any commissioners or other city officers.

4. To call special meetings of the common council when he shall deem it expedient so to do, in such manner and on such notice as the common council shall by concurrent resolution, from time to time, prescribe.

5. To perform all such duties as may be prescribed for him by city ordinances and laws of the State ; and the mayor shall be responsible for the good order and efficient government of the city.

§ 25. The mayor may appoint and remove such commissioners of departments and other officers of departments as are hereinafter provided to be appointed by him. The Governor may also remove any commissioner or head of a department, in the same manner as sheriffs, except the commissioners whose removal is provided for by section forty-seven of this act.

§ 26. The mayor shall receive an annual salary of ten thousand dollars. He shall employ such clerks and experts as may be necessary for the discharge of his duties, and shall render to the board of aldermen every three months an account of the expenses of his office, and therein shall state in detail the amounts paid and agreed to be paid by him for salaries to such clerks and experts respectively ; but the aggregate of the expenses incurred by him shall not exceed in any year the sum of thirty-five thousand dollars, unless a larger sum shall be appropriated therefor by the common council.

§ 27. The mayor may be removed by the governor for cause in the manner provided by law in the case of sheriffs.

#### ARTICLE IV. — THE EXECUTIVE DEPARTMENTS.

§ 28. There shall be the following other departments in said city :

Department of public works.

Department of public parks.

Department of public safety.

Department of public charities and correction.

Department of finance.

Sinking fund commission.

Department of law.

Department of public instruction.



In addition to these departments, there shall also be an officer to be called the "superintendent of public markets," who shall be appointed by the mayor, and be removable by him for cause. He shall receive an annual salary of \$2,500. He shall have all the powers now vested by law in the existing superintendent of public markets, subject to the ordinances of the common council, except the power to collect the income arising from public markets, which power is hereby vested in the department of finance.

§ 29. In every department there shall be kept a record of all transactions, to be accessible to the public from three to five o'clock each day; and at the end of each day a brief abstract, omitting formal language, shall be made of all transactions and of all contracts awarded and entered into for work and material of every description, which abstract shall contain the name or names of the party or parties to the contract, a copy of which abstract shall be transmitted to the clerk of the board of aldermen for insertion in the city journal.

§ 30. Any of the said departments shall, when called upon by the mayor or either board of the common council, make to him or them, respectively, reports of their transactions, and furnish to him or them such information as he or they may demand, within such time as he or they may direct. Except in the department of finance, the commissioners or chief officers or officer of departments shall appoint heads of bureaux, and shall appoint all subordinate officers and clerks upon the nomination to them by the heads of bureaux, except as hereinafter otherwise provided. Except in the department of finance, the commissioners or chief officers of departments may remove heads of bureaux at pleasure, and heads of bureaux may suspend subordinate officers and clerks, and remove them with the consent of the commissioners or chief officers of departments. A majority of the commissioners of the several departments shall constitute a quorum.

§ 31. Until the fifteenth day of May in the year 1874 the department of public works shall be under the charge of the commissioner of public works now in office, who may be removed by the mayor for cause, who shall have all the powers and be subject to all the duties of the commissioners of public works as in this act provided. From and after the fifteenth day of May, 1874, said department shall be under the charge of five commissioners, who shall be called the commissioners of public works, and shall be chosen as hereinafter provided. One of said five commissioners shall be appointed by the mayor between the first and fifteenth days of May in each year, and shall receive an annual salary of seven thousand five hundred dollars. The remaining four commissioners shall be elected by the board of aldermen, within the same period, and shall receive no compensation. At such election each alderman shall give not more than four open ballots, upon each of which shall be printed or written the name of one candidate for the office of commissioner, and each of which shall be signed by the member voting. Each alderman may give the whole of his ballots for one and the same candidate, or may distribute them among four different candidates, or a less number, in such proportion as he may see fit. The clerk of the board of aldermen shall record said votes, stating the name of the alderman voting, and the names of the persons voted for. The four persons having the largest number of votes shall be deemed elected. In the event of a failure to elect four commissioners, by reason of less than four persons having been voted for, or by reason of two or more of the persons

voted for having received an equal number of votes, under such circumstances, that there shall be no full number of four persons having received a higher number of votes than all others, a new election for four commissioners shall forthwith be held in the same manner. The commissioners so appointed and elected, respectively, shall hold office from the fifteenth day of May next succeeding their election or appointment until the fifteenth day of May of the next following year, and until others are appointed and elected in their places and shall have qualified, unless removed as hereinafter provided. But no commissioner of the department of public works shall be appointed or elected as in this section provided before the first day of May, 1874.

§ 32. The mayor, at any time, may remove the commissioner appointed by him; and, in case of any vacancy in the board, by the resignation, removal, death or otherwise, of the commissioner appointed by the mayor, he shall fill such vacancy. The mayor may also remove any elected commissioner for cause, assigning his reasons to the board of aldermen. In case of any vacancy in the board by the resignation, removal, death or otherwise, of any commissioner elected by the board of aldermen, those members of the board, by whose vote such commissioner was chosen, acting by a majority of their number, shall proceed to fill such vacancy. Any vacancy in the office of commissioner of public works occurring before the first day of May, 1874, shall be filled for the unexpired term by appointment by the mayor, to be confirmed by the board of aldermen.

§ 33. Whenever the words "chief engineer of the Croton aqueduct board," or "president of the Croton aqueduct board," or "street commissioner," or "department of docks," occur in any existing law, ordinance, resolution, contract or document, they shall be deemed to mean the aforesaid commissioners of public works, and whenever in any law or in any ordinance or obligation of the corporation, the words "street department," or "Croton aqueduct board," or "department of docks" occur, they shall be deemed to mean the "department of public works, and the commissioners thereof.

§ 34. The said department shall have all the powers and functions heretofore possessed by the department of public works now existing (except those relating to the collection of assessments and water rents), and such other powers and functions as may be expressly conferred upon it by this act.

§ 35. The said department shall have all the powers and functions heretofore and now possessed by the department of parks in relation to boulevards, streets and avenues above Fifty-ninth street in said city, not embraced within the limits of any park or public place.

§ 36. The said department shall have charge and control:

1. Of all structures and property connected with the supply and distribution of Croton water.

2. Of regulating, grading, flagging, curbing, guttering and lighting streets, boulevards, roads, places and avenues.

3. Of the repairing and construction of public roads and boulevards.

4. Of the care of public buildings.

5. Of the filling up of sunken lots.

6. Of public sewers and drainage.

7. Of street vaults.

8. Of paving, repaving, repairing, and cleaning streets, and keeping the same clean.



9. Of digging and constructing wells.

10. Of docks, piers, and slips.

§ 37. There shall be the following bureaux in this department:

1. A bureau having care of all structures and property connected with the supply and distribution of Croton water; the chief officer of which shall be called "chief engineer of the Croton aqueduct," and shall receive an annual salary of five thousand dollars. Said chief engineer shall be a civil engineer of at least ten years' experience, and shall be appointed for the period of five years. He shall be subject to removal by the "commissioners of public works" for cause, to be stated on the minutes, and only after an opportunity shall have been afforded to him to be heard in relation to said cause. The concurring vote of the mayor shall be necessary to remove him. He shall have power to appoint and remove at pleasure and detail a corps of assistant engineers. This bureau shall also have charge of the laying of water-pipes and the construction and repair of sewers, wells, and hydrants.

2. A bureau for grading, flagging, curbing, and guttering, paving and repaving, and repairing streets, boulevards and roads, and keeping the same free from obstructions, clean and swept; and also the lighting of the same by lamps and gas; the chief officer of which shall be called the "superintendent of streets and roads," and shall receive an annual salary of four thousand dollars.

3. A bureau of repairs, which shall have charge of all repairs to public buildings, and all other necessary repairs not provided for in other departments; the chief officer of which shall be called "superintendent of repairs," and shall be a practical builder, and shall receive an annual salary of four thousand dollars.

4. A bureau of docks, piers, and slips, which shall have all the powers, rights, and privileges now vested in the department of docks, subject to the control of the department of public works under chapters one hundred and thirty-seven and three hundred and eighty-three of the laws of eighteen hundred and seventy, and five hundred and seventy-four of the laws of eighteen hundred and seventy-one (except the power of incurring indebtedness and raising and expending money), which powers, rights and privileges shall be exercised by said bureau and department under said laws and such regulations and restrictions as the common council may by act or ordinance prescribe. The chief officer of this bureau shall be called the "chief engineer of docks and piers," and such chief officer shall be a civil engineer of at least ten years' experience, and shall receive an annual salary of five thousand dollars. He shall be appointed for the period of five years, and shall be subject to removal by the commissioners of public works for cause, to be stated on their minutes, and only after an opportunity shall have been afforded to him to be heard in relation to said cause. The concurring vote of the mayor shall be necessary to remove him.

§ 38. The commissioner appointed by the mayor shall be chairman of the board. The commissioners of public works shall be entitled to seats in the board of aldermen, and shall have the right to participate in the discussions of said board affecting or relating to said department and its affairs, but shall not have the right to vote upon any resolution or ordinance.

§ 39. The said department shall have no power to incur indebtedness, nor to raise nor expend money, except such as shall have been previously appropriated by the common council according to law.



## ARTICLE VI.—THE DEPARTMENT OF PUBLIC PARKS.

§ 40. The department of public parks shall be under the charge of five commissioners, who shall be a board to be called "the commissioners of public parks." They shall be appointed and elected respectively in the manner hereinbefore provided and prescribed for the appointment and election of commissioners of public works, and be subject to removal in like manner. All provisions of sections thirty-one and thirty-two of this act shall be applicable to the commissioners of public parks.

§ 41. The department of public parks shall exclusively control, manage, and direct the improvement of all public parks and all buildings therein, and public places, which are of the realty of the city of New York. The said department shall have and enjoy all other rights, powers, and privileges heretofore granted to, and now possessed by, the existing department of public parks, except such as have been by this act transferred to the department of public works, and such as relate to streets and boulevards outside of public parks and places, and except the power of incurring indebtedness and raising and expending money.

§ 42. The commissioner appointed by the mayor shall be chairman of the board, and shall receive an annual salary of six thousand dollars. The other commissioners shall receive no compensation. The commissioners of public parks shall be entitled to seats in the board of aldermen, and shall have the right to participate in the discussions of said board affecting or relating to said department and its affairs, but shall not have the right to vote upon any resolution or ordinance.

## ARTICLE VII.—THE DEPARTMENT OF PUBLIC SAFETY.

§ 43. The department of public safety shall be under the charge of six commissioners, who shall be a board to be called "the commissioners of public safety." They shall be appointed in the manner hereinafter provided, and shall each receive an annual salary of seven thousand five hundred dollars.

§ 44. Within ten days after the passage of this act, the two judges of the superior court of the city of New York, who have the longest time to serve, shall meet and select six persons to be the commissioners of public safety. In making such selections they shall select three of such persons from the political party which, on general state issues, cast at the last preceding election the greatest number of votes cast thereat in said city, and three from the political party which on such issues cast at such election the next largest number of votes. If they cannot agree upon six persons, then each of said justices shall select three. After such selection they shall notify the persons so selected, and such of the persons so selected as shall, within five days after such selection, file in the office of the mayor their acceptance of said office, shall be and become from that time commissioners of public safety; and at noon of the second day after six persons so selected shall have so filed their acceptance, the terms of office of the present commissioners of police, the superintendent of police, the police surgeons, the commissioners of health, the fire commissioners and the superintendent of buildings shall cease and determine, and they shall respectively surrender and deliver up to the commissioners of public safety their offices and all public books, papers and property in their possessions. If any person selected by said justices, or either of them, as hereinbefore provided, shall fail or refuse to accept the appointment in the manner and within the time specified,

he shall be deemed to have declined, and the said justices, or that one of them who selected the person so failing or refusing, shall forthwith proceed to select another person in his place, pursuing the rule of selection hereinbefore provided, and so continuing until six persons shall have accepted.

§ 45. The six persons so selected shall, within two days after the filing of the last acceptance as hereinbefore provided, meet at the office of the comptroller, and in his presence, by such method as he shall approve, divide themselves by lot into three classes of two each, in such manner that each class shall contain a commissioner selected from each of said two political parties. One of said classes shall hold office until the fifteenth day of May, eighteen hundred and seventy-six; one of said classes shall hold office until the fifteenth day of May, eighteen hundred and seventy-eight; and one of said classes shall hold office until the fifteenth day of May, eighteen hundred and eighty.

§ 46. Within thirty days prior to the fifteenth day of May, in any year in which the terms of office of any such commissioners expire, the two justices of the superior court who shall at that time have the longest term to serve shall meet and select, in the manner hereinbefore provided, persons to fill the places of those whose terms will expire on the said fifteenth day of May and such of the persons so selected as shall, within five days after notice of their selection, file in the office of the mayor their acceptance, shall, on the fifteenth day of May, become commissioners of public safety in the place of those whose terms of office expire. If any person so selected shall fail or refuse to file his acceptance in the manner and within the time herein provided, he shall be deemed to have declined, and the said justices, or that one of them who selected the person so failing or refusing, shall forthwith proceed to select another in his place, pursuing the rule of selections hereinbefore provided, and so continuing until the places of all persons whose terms are about to expire are filled.

§ 47. Any of said commissioners may be at any time removed by the governor in the same manner as sheriffs; provided, however, that the charges shall be preferred by the mayor and the board of aldermen, by a vote of two-thirds of the members thereof.

§ 48. Vacancies occurring in the offices of commissioners by removal, resignation, death or otherwise, shall be filled by the two justices of the superior court, who shall, at the time of the occurrence of such vacancy, have the longest term to serve; and in filling such vacancies they shall proceed in the manner hereinbefore provided, to appoint, to fill each vacancy, a person from the same political party with the commissioner in whose term of office such vacancy shall have occurred. Persons appointed to fill vacancies shall hold office until the expiration of the terms of office of the persons in whose places they were appointed respectively.

§ 49. The department of public safety shall have and exercise all the powers now conferred upon and vested in the police department, the fire department, the health department, and the department of buildings of the city of New York, and such other powers as are conferred upon them by this act, and as may be from time to time conferred upon them by the common council of said city, not inconsistent with the laws of this State; provided, that said department of public safety shall not have power to incur indebtedness nor to raise nor expend money unless the same shall have been appropriated by the common council according to law.



§ 50. There shall be five bureaux in this department, to wit :

1. A bureau of police, the chief officer of which shall be called "the superintendent of police."

2. A fire bureau, the chief officer of which shall be called "the chief engineer of the fire bureau," who shall also be the inspector of fire apparatus.

3. A bureau of health, the chief officer of which shall be a practical physician, and shall be called "the sanitary superintendent."

4. A bureau of buildings, the chief officer of which shall be called "the superintendent of buildings."

5. A bureau of statistics, the chief officer of which shall be called "the register of records." The chief officer of each of said bureaux shall receive an annual salary of five thousand dollars.

§ 51. Every person who shall be connected with the police department of the city of New York, at the time when, by the provisions of this act, the terms of office of the present commissioners of police shall cease and determine (except the police commissioners and the superintendent of police), shall continue in office and be transferred by operation of this act to the bureau of police of the department of public safety herein created, and the amount of salary or compensation now paid to such person shall be the salary and compensation fixed for his transferred office under this act, until altered, as now by law provided. Every such person shall be subject to removal as provided by section thirty of this act.

§ 52. Every person who shall be connected with the fire department of the city of New York, at the time when, by the provisions of this act, the terms of office of the present fire commissioners shall cease and determine (except the fire commissioners of the city of New York, the chief engineer, and the inspector of fire apparatus), shall continue in office and be transferred by operation of this act to the fire bureau of the department of public safety herein created, and the amount of salary or compensation now paid to such person shall be the salary and compensation fixed for his transferred office under this act until altered as now by law provided. Every such person shall be subject to removal as provided by section thirty of this act; but no fireman or officer shall be removed except upon charges preferred against him, and an opportunity given him to be heard before the board of public safety.

§ 53. It shall be the duty of said department to make suitable regulations, under which the officers and men of the fire bureau shall be required to wear any appropriate uniform and badge, by which, in case of fire and at other times, the authority and relations of such officers and men in said bureau may be known, as the exigencies of their duties may require.

§ 54. It shall be a misdemeanor, punishable by imprisonment in the county jail for a period of not less than sixty days, for a person not employed by the department of safety in the said fire bureau, to wear the whole or any part of the uniform or insignia prescribed to be worn by the persons employed in said fire bureau, by the rules and regulations of said department, or to do any act as fireman not duly authorized by the board hereby created, or to interfere with the property or apparatus of the fire bureau, in any manner, unless by authority of the department.

§ 55. Every person who shall be connected with the health department of the city of New York, at the time when, by the provisions of this act, the terms of office of the present commissioners of health shall cease and determine (except the officers constituting the head of the health department under section ninety of article eleven of the act enti-



ted "An act to reorganize the local government of New York, passed April fifth, eighteen hundred and seventy," and except the heads of bureaux mentioned in section ninety-one of the said last mentioned act, and excepting also all the officers and employes of the bureau of street cleaning and excepting also all the officers and employes of the bureau, the chief officer of which is called the register of records), shall continue in office and be transferred by operation of this act to the bureau of health of the department of public safety herein created; and the amount of salary and compensation now paid to such person shall be the salary and compensation fixed for his transferred office under this act until altered as now by law provided. Every such person shall be subject to removal as provided by section thirty of this act.

§ 56. The health bureau of the department of public safety may, from time to time, make report to the department of public safety as to the necessity for cleaning the streets, and said department may thereupon transmit such reports to the common council, and may exercise such powers in relation thereto as shall be thereupon conferred upon them by the common council.

§ 57. Every person who shall be connected with the department of buildings of the city of New York, at the time when, by the provisions of this act, the terms of office of the present commissioners of health shall cease and determine (except the superintendent of buildings), shall continue in office, and be transferred by operation of law to the bureau of buildings of the department of public safety herein created; and the amount of salary or compensation now paid to such person shall be the salary or compensation fixed for his transferred office under this act, until altered as now by law provided. Every such person shall be subject to removal, as provided by section thirty of this act.

§ 58. Every person who shall be connected with that bureau of the present health department, the chief officer of which is called the register of records, at the time when, by the provisions of this act, the terms of office of the present commissioners of health shall cease and determine (except the register of records himself), shall continue in office and be transferred by operation of law to the bureau of statistics of the department of public safety herein created, and the amount of salary or compensation now paid to such person shall be the salary or compensation fixed for his transferred office under this act, until altered as now by law provided. Every such person shall be subject to removal, as provided by section thirty of this act.

§ 59. The register of records, in addition to the duties now devolved upon him, shall, under the direction of the board of public safety, cause to be kept in each police precinct a full and complete record of the name and place of residence of each inhabitant of the precinct, and such other facts as the board of public safety may, from time to time, direct. He shall cause said records to be revised and corrected within two months after the first day of January in each year; and shall, under the direction of the board of public safety, take all proper and necessary means to obtain and secure, through the patrolmen of the precincts, and the residents themselves, early and full information of changes of residence and removals, so as to keep said records as full, complete and accurate as possible.

§ 60. No person holding office under this department shall be liable to military or jury duty while holding such office.

§ 61. The commissioners of public safety shall be entitled to seats in the board of aldermen, and shall have the right to participate in the discussions of said board affecting or relating to said department and its affairs, but shall not have the right to vote upon any resolution or ordinance.

ARTICLE VIII.—DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION.

§ 62. The department of charities and correction shall be under the charge of five commissioners, who shall be a board to be called "the commissioners of public charities and correction," and shall each receive an annual salary of five thousand dollars. They shall be appointed and elected, respectively, in the manner hereinbefore provided and prescribed for the appointment and election of commissioners of public works, and be subject to removal in like manner. All the provisions of sections thirty-one and thirty-two of this act, as to election, appointment and removal, shall be applicable to the commissioners of public charities and correction. Said board shall possess all the powers, and discharge all the duties now conferred upon the department of public charities and correction by special laws, and by the provisions of chapter five hundred and ten of the laws of eighteen hundred and sixty, and acts and part of acts amendatory thereto, except the power to incur indebtedness and to raise and expend money, and except as the same are modified or repealed by the provisions of this act.

§ 63. There shall be two bureaux in this department, a bureau of charities and a bureau of correction. The commissioners shall appoint a superintendent for each bureau, who shall receive an annual salary of four thousand dollars. The bureau of charities shall have especial charge of all institutions, the inmates of which have not been committed for any offense against the laws. The bureau of correction shall have charge of all other institutions; and the two just designated classes of persons under the charge of the commissioners shall be, as far as practicable, separated. The commissioners shall invite all incorporated charitable or benevolent societies, not denominational or sectarian, including hospitals, to file with the bureau of charities a statement of the objects for which said societies were established, the class of persons to whom they extend relief, and the mode of relief adopted; also to report, from time to time, the means at their disposal and the sources whence derived, the names of persons relieved, and the amount of relief extended to them, and, in the case of hospitals or asylums, what number of additional inmates they can receive, and such other details as the commissioners may deem advisable. Such information, when received, shall be properly classified in books prepared for the purpose, with such alphabetical indexes as will enable the superintendent of such bureau at any time to refer to such institutions which take charge of any particular class of persons or patients, and to ascertain what relief any applicant to such bureau has heretofore received from any institution.

§ 64. All applications for money, property, or loan of the credit of the city to any eleemosynary or charitable institution or purpose, shall be made to this department before the same can be acted upon by the common council. When such application shall have been filed in the office of the secretary of this department, the said commissioners shall have power to visit the said institution or charity, and examine and investigate its condition and purposes, and report thereon to the common council; but if they determine adversely to such application, the power of said



commissioners to visit and examine the same shall then cease and be determined. If, upon a report of this department, such aid in support of, or the maintenance of such eleemosynary institution or charity, shall be extended by the common council and accepted by such institution or charity, said commissioners shall thereupon be a board of visitors of said institution or charity, with power to send to such institution or charity for treatment or care, free of charge to the city, such cases as, in the discretion of the said commissioners, can be better treated therein than in the public charities of the city, not, however, involving any expenditure to the said institution beyond the amount of aid received by it from the city. If such aid shall consist of a periodical allowance of money or loan of credit, said powers of said commissioners shall continue during such period. If such aid shall consist of a donation of property of the city, then such powers of said commissioners shall be perpetual. Provided that no public money, property or credit shall be appropriated to any institution that is under the management or control of any sectarian or religious denomination.

§ 65. The commissioner appointed by the mayor shall be chairman of the board. The commissioners of charities and correction shall be entitled to seats in the board of aldermen, and shall have a right to participate in the discussions of said board affecting or relating to said department and its affairs, but shall not have the right to vote upon any resolution or ordinance.

#### ARTICLE IX. — THE DEPARTMENT OF FINANCE.

§ 66. Until the fifteenth day of May, 1874, unless removed for cause by the mayor, the department of finance shall be under the charge of the comptroller of the city and county of New York now in office, who shall have all the powers and be subject to all the duties of the board of finance, the comptroller and the commissioner of the treasury as in this act provided, except the powers and duties of tax commissioners. From and after the fifteen day of May 1874, said department shall be under the charge of the comptroller of the city and county of New York, and of four commissioners who together shall constitute a board of finance and shall be chosen as hereinafter provided.

§ 67. The comptroller shall be appointed by the mayor, and shall be removable at his pleasure. The comptroller may appoint, and at his pleasure remove, a deputy comptroller, who shall be appointed in the manner and be vested with the powers now described by law, and shall receive an annual salary of five thousand dollars. The four-commissioners of the treasury shall be elected by the board of aldermen in the manner hereinbefore provided and prescribed for the election of commissioners of public works, and shall be subject to removal in like manner. All the provisions of sections thirty-one and thirty-two of this act, as to appointments, elections and removals, shall be applicable to the said five chief officers of this department respectively; but no comptroller shall be appointed as in this section provided before the first day of May, eighteen hundred and seventy-four, and the commissioners of the treasury elected in the years eighteen hundred and seventy-two and eighteen hundred and seventy-three shall have no powers under this act, except the powers of tax commissioners and the powers conferred upon them by section seventy-five of this act, and any vacancy in the office of comptroller occurring before the first day of May, eighteen hundred and seventy-four, shall be filled for the unexpired term by appointment from the mayor to be confirmed by the board of aldermen.



§ 68. The comptroller shall be the president of the department, and shall receive an annual salary of ten thousand dollars. He shall have the sole and exclusive power of appointing and removing all heads of bureaux, subordinate officers and clerks in the department, except as by this article otherwise expressly provided.

§ 69. The department of finance shall have control of all the fiscal concerns of the corporation, and the money appropriated for carrying on the business of the corporation. It shall prescribe the forms of keeping and rendering all city accounts, and the manner in which all salaries shall be drawn, and the mode by which all creditors, officers, and employes of the corporation shall be paid. All payments by or on behalf of the corporation shall be made through the proper disbursing officers of the department of finance, by means of warrants drawn on the treasury, by the comptroller, and countersigned by the mayor, as provided by section seventy-two of this act. Nothing in this section contained shall be construed to limit or in any manner affect the powers conferred upon the chamberlain by section seventy-two of this act. The comptroller shall countersign all checks legally and properly drawn by the chamberlain.

§ 70. All accounts rendered to or kept in the other departments shall be subject to the inspection and revision of the officers of this department; and it shall settle and adjust all claims in favor of or against the corporation, and all accounts in which the corporation is concerned as debtor or creditor (provided, however, that such settlement and adjustment shall not have the effect of a judgment or decree). Any member of the board of finance may require any person presenting for settlement an account or claim against the corporation to be sworn before him touching such account or claim, and when so sworn to answer orally as to any facts relative to the justness of such account or claim.

§ 71. There shall be the following bureaux in this department:

1. An auditing bureau, for auditing, revising and settling all accounts in which the city is concerned as debtor or creditor, and which shall keep an account of each claim for or against the corporation, and of the sums allowed upon each, and certify the same to the comptroller, with the reasons for the allowance; the chief officer of which shall be called "auditor of accounts," who shall receive an annual salary of five thousand dollars.

2. A bureau for receiving of all moneys paid into the treasury of the city, and for all payments therefrom on warrants drawn, according to law, by the comptroller and countersigned by the mayor; the chief officer of which shall be called the chamberlain. Any commission or percentage allowed to or received by the chamberlain as such, or as county treasurer, for collecting and paying State tax or any other money, or otherwise, shall be paid to the commissioners of the sinking fund.

3. Such other bureau or bureaux as the department of finance, by a vote of four of its members, of whom the comptroller must be one, may establish.

4. A bureau for the collection of the revenue accruing from rents including therefrom wharves, piers and slips, and interest on bonds and mortgages, and the revenue arising from the use or sale of property belonging to or managed by the city, the head of which bureau shall be called "the collector of city revenue," and shall receive an annual salary of four thousand dollars.

5. A bureau for the collection of taxes and assessments, the head of which shall be called "the receiver of taxes and assessments," and shall

receive an annual salary of six thousand dollars, and shall have all the powers and perform all the duties now prescribed by law for the receiver of taxes and also for the collector of assessments. The duties and powers now imposed upon and vested in the department of public works in regard to the collection of assessments are hereby imposed upon and vested in the department of finance.

6. A bureau for the collection of revenue derived from the sale and use of water, the chief officer of which shall be called "the collector of water rents," and shall receive an annual salary of four thousand dollars and shall have all the powers, and perform all the duties of the water register under existing laws. The duties and powers now imposed upon and vested in the department of public works in regard to the collection of revenue derived from the sale and use of water are hereby imposed upon and vested in the department of finance.

7. A bureau for the collection of arrears of taxes, assessments and water rents, the head of which shall be called "the collector of arrears," and shall receive an annual salary of four thousand dollars.

8. A bureau for the collection of revenue derived from licenses and rents for public markets, the head of which shall be called "the collector of licenses and market rents," and shall receive an annual salary of three thousand dollars. The collector of city revenue, the receiver of taxes and assessments, the collector of water rents, the collector of arrears, and the collector of licenses and market rents, shall pay over to the chamberlain all moneys received by them on the day of the receipt thereof, or on the business day next succeeding.

§ 72. The chamberlain shall be appointed by the mayor and confirmed by the board of aldermen, and shall hold his office for one year. He may be suspended or removed by the mayor for cause. He shall, within ten days after receiving notice of his appointment and confirmation, and before he enters upon the execution of his office, give a bond to the city in the sum of one million dollars, with not less than four sufficient sureties, to be approved of by the mayor, conditioned that he will faithfully execute the duties of his office. Such bond shall be deemed to extend to the faithful execution of the duties of the office until a new appointment shall be made, and a new bond given and approved under such new appointment. Said chamberlain shall exhibit to the common council, at its first meeting in the month succeeding that in which he enters upon the execution of his office, an exact statement of the balance in the treasury to the credit of the city, with a summary of the receipts and payments of the treasury during the preceding year, and since the last preceding report required by law, if more than a year shall have elapsed since such report. He shall receive all moneys which shall from time to time be paid into the treasury of the city. He shall deposit all moneys which shall come into his hands on account of the city, on the day of the receipt thereof, or on the business day next succeeding, in such banks and trust companies as shall have been designated as deposit banks, not exceeding two millions of dollars in any one bank or trust company. The moneys so deposited shall be placed to the account of the chamberlain, and he shall keep a bank book, in which shall be entered his account of deposits in and moneys drawn from the banks and trust companies in which the deposits shall be made. The said banks and trust companies shall respectively transmit to the comptroller weekly statements of the moneys which shall be received and paid by them on account of the city treasury. The chamberlain shall pay all warrants drawn on the treasury



by the comptroller and countersigned by the mayor, and no moneys shall be paid out of the treasury except on the warrant of the comptroller so countersigned. No such warrant shall be signed by the comptroller or countersigned by the mayor except upon vouchers for the expenditure of the amount named therein, examined and allowed by the auditor, approved by the comptroller, and filed in the office of the department of finance, nor except such warrant shall be authorized by law or ordinance, and shall refer to the law or ordinance under which it is drawn. The chamberlain shall not draw any moneys from said banks or trust companies, unless by checks subscribed by him as chamberlain, and countersigned by the comptroller; and no moneys shall be paid by either of the said banks or trust companies on account of the treasury except upon such checks. The chamberlain shall exhibit his bank book to the comptroller on the first Tuesday of every month, and oftener when required. The accounts of the city treasury shall be annually closed, on the last day of November, and shall be examined in the month of December in said year by a committee of not less than three nor more than five persons, to be appointed by concurrent resolution of the common council. Such committee shall examine the accounts and vouchers of all moneys received into and paid out by the city treasury during the year ending on the last day of November preceding such examination, and shall certify and report to the mayor and the common council in the following month of January the amount of moneys received into the treasury during such year, the amount of moneys paid out during the same period by virtue of warrants drawn on the treasury by the comptroller, the amount of moneys received by the chamberlain who shall be in office at the time of such examination when he entered upon the execution of the duties of his office, the balance in the treasury on the last day of November preceding such examination, the amount of moneys borrowed for or on the credit of the city during such year, and the amount of bonds of the city issued during such year, with the purposes for which and the authority under which such bonds were issued. Such committee shall also compare the warrants drawn by the comptroller on the treasury during the year ending on the last day of November preceding such examination, with the several laws and ordinances under which the same shall purport to have been drawn, and shall in like manner certify and report whether the comptroller had power to draw such warrants; and if any shall be found which, in their opinion, he had no power to draw, they shall specify the same in their report with their reasons for such opinion. The major part of the members of the said committee may perform all the duties required of such committee. Each member of said committee shall receive a compensation of ten dollars for every day during which he shall be employed in the actual execution of the duties enjoined in the foregoing sections, to be paid out of the city treasury. The said chamberlain shall, by written notice to the comptroller, designate the banks or trust companies in which all the moneys of the mayor, aldermen and commonalty of said city and of the county of New York shall be deposited, and may by like notice in writing from time to time change the banks or trust companies thus designated. The said chamberlain shall keep books showing the receipts of moneys from all sources and designating the sources of the same, and also showing the amounts paid from time to time on account of the several appropriations; and no warrant shall be paid on account of any appropriation after the



amount authorized to be raised by tax for that specific purpose shall have been expended. The said chamberlain shall once in each week report in writing to the mayor and to the comptroller all moneys received by him, the amounts of all warrants paid by him since his last report, and the amount remaining to the credit of the city and of the county of New York, respectively. The said chamberlain shall receive the sum of twenty thousand dollars annually, and no more, for all his services as chamberlain of said city, and as county treasurer of the county of New York, in lieu of salary, and of all interest, fees, commissions and emoluments. He may appoint and remove at pleasure a deputy chamberlain, and such clerks and assistants as may be necessary, whose salaries, together with all the expenses of his office, shall be paid wholly by him, and shall in no case be a public charge.

§ 73. Full statements of the receipts and expenditures of all the departments, giving names, dates, amounts and objects of expenditure, shall be made on the third Monday of each month, by each department, to the department of finance. The comptroller, or any one of said commissioners of the department of finance, shall have power at any time to inspect, examine or copy any vouchers, records or papers in any of said departments. From the statements so returned, and other information, the department shall publish monthly, in the city journal, a detailed statement of all the receipts and expenditures of the city and county during the preceding month. No bond, certificate of stock, or evidence of public debt to be issued by the city after May 14, 1874, shall be valid unless signed by the mayor and comptroller.

§ 74. Between the first and fifteenth days of May, 1872, three tax commissioners shall be appointed in the manner prescribed in section 79 of this act who shall hold office till May fifteenth, 1874, and shall each receive an annual salary of five thousand dollars. Vacancies in their offices shall be filled as prescribed in said section seventy-nine. From and after May fifteen, 1874, the four commissioners of the treasury provided for in this act shall be tax commissioners. All such tax commissioners shall perform all the duties and possess all the powers heretofore performed and possessed by the commissioners of taxes, under existing laws, and shall each receive an annual salary of five thousand dollars in full for all services. They shall keep duplicate books, one set of which shall be open and accessible at all times to all tax-paying citizens; and said commissioners shall appoint and remove all clerks and subordinates which they may need in performing their duties as commissioners of taxes.

§ 75. On or before the first day of July in each and every year, after the year 1873, the comptroller and the said four commissioners of the treasury shall and are hereby directed, in lieu of any existing authority in relation thereto, to make and agree upon an estimate of the various sums of money which, in their discretion, will be required to defray all the various expenses necessary for conducting the various boards and departments, whether legislative, executive or administrative or judicial, of the city government, which estimate shall be founded upon reports obtained from said departments, and also for paying the interest on the city debt and the principal of such debt falling due; which amounts, when so established by said comptroller and commissioners of the treasury, shall be certified by them in detail to the board of aldermen, to be by them accepted or modified, but not increased, and certified to the board of supervisors of the county of New York as the aggregate expenses

of the city; and said board of supervisors are hereby empowered and directed annually to cause the said amount of money estimated, certified and modified as aforesaid, to be, according to law, raised and collected by tax upon the estates, real and personal, subject to taxation within the said city and county of New York.

§ 76. The comptroller shall be the chairman of the board. The comptroller and the commissioners of the treasury shall be entitled to seats in the board of aldermen, and shall have the right to participate in the discussions of said board, affecting or relating to said department and its affairs, but shall not have the right to vote upon any resolution or ordinance.

#### ARTICLE X.—THE SINKING FUND COMMISSION.

§ 77. There shall continue to be, as now provided and recognized by special laws and ordinances, a board of commissioners of the sinking fund, composed of the mayor, comptroller, chamberlain, commissioners of the treasury, first judge of the court of common pleas in and for the city and county of New York, and chief justice of the superior court of the city of New York, with all the powers assigned, designated and ratified by existing laws and ordinances, saving and excepting, however, out of said powers, any and all authority now vested in the commissioners of the sinking fund, to authorize the expenditure of money by other departments, and to incur or authorize the incurring of indebtedness.

§ 78. Said commissioners of the sinking fund shall cause all bonds and other evidences of indebtedness belonging to them to be stamped upon the face thereof as belonging to said sinking fund.

#### ARTICLE XI.—OF THE LAW DEPARTMENT.

§ 79. The chief officer of the law department shall be called the corporation counsel, and shall receive an annual salary of ten thousand dollars. He shall be a member of the bar of this State, who shall have resided or had an office in the city of New York at least five years consecutively immediately prior to the time of his appointment, and shall be appointed by the mayor, the comptroller, and the first judge of the court of common pleas of the city and county of New York, or a majority of them, between the first and fifteenth days of May in each year, and shall hold office until his successor shall be appointed. The mayor may remove him at pleasure, and the vacancy shall be filled by appointment by the persons above provided.

§ 80. The said corporation counsel shall act as the legal adviser of all the departments; and no attorney or counsel shall receive any compensation for any services rendered to any department unless he shall have been employed by or with the assent of the corporation counsel, except as hereinafter provided. Said department shall semi-annually report to the board of aldermen the condition of all suits pending, the names of all attorneys and counsel employed, the fees paid to attorneys and counsel, all receipts of the office, and all other matters pertaining to the business of said department.

§ 81. There shall be a bureau in this department, the chief officer of which shall be called the "corporation attorney;" a bureau, the chief officer of which shall be called the "public administrator," and a bureau, the chief officer of which shall be called the "attorney of street openings and assessments," each of which chief officers shall receive an annual salary of five thousand dollars.



§ 82. The law department shall have the charge and conduct of all law business of the corporation and of its departments; and the charge and conduct of the legal proceedings necessary in widening, opening, or altering streets, boulevards, avenues, and public places; and shall, whenever applied to by the comptroller, draw the leases, deeds, and other legal papers connected with the finance department.

§ 83. The corporation attorney and the public administrator shall have and exercise the powers, rights, and duties now conferred by law upon the officers so named respectively, subject to the control and supervision of the corporation counsel, so far as such control and supervision are not inconsistent with the laws of the State.

§ 84. The attorney of street openings and assessments shall have and exercise the powers, rights, and duties in relation to street openings and widenings that are now had and exercised by the corporation counsel, and such others as may be by law conferred upon him.

§ 85. The corporation counsel shall be entitled to a seat in the board of aldermen, and shall have the right to participate in the discussions of said board affecting or relating to said department and its affairs, but shall not have the right to vote upon any resolution or ordinance.

#### ARTICLE XII. — THE DEPARTMENT OF PUBLIC INSTRUCTION.

§ 86. There shall be a department of public instruction, at the head of which shall be the board of public instruction, which shall have the same powers and discharge the same duties which are now vested in the department of public instruction by article fifteen, section one hundred, of chapter three hundred and eighty-three of the laws of eighteen hundred and seventy, as amended by chapter five hundred and seventy-four of the laws of eighteen hundred and seventy-one.

§ 87. Said board shall consist of not more than thirty commissioners, who shall be styled "the commissioners of public instruction," and shall constitute the board of public instruction of the city of New York.

§ 88. Said commissioners shall be elected as follows: At the elections provided for by section two of this act, there shall be elected in each Senate district of the city, as now established by law, six commissioners of public instruction. Said election shall be held in the manner hereinbefore prescribed in sections four and five of this act for the election of aldermen, except that the ballots shall be indorsed "commissioners of public instruction." All the provisions of said sections four and five shall apply to said election of commissioners of public instruction, so modified, however, as to provide for the election of six persons only. All ballots containing more than six names shall be rejected. There shall also be elected at the same time in each ward of said city six trustees of common schools for the said wards respectively, who shall be elected in the manner prescribed in sections four and five of this act, except that the ballots shall be indorsed "trustees of common schools," and shall provide for the election of six persons only. Said commissioners and trustees so elected shall take office on the first Monday of May next succeeding their election, and shall hold office for the terms of one, two, three, four, and five years respectively. The commissioners and trustees elected for each Senate district shall respectively designate one of their number, and the five commissioners and five trustees so designated shall meet between the first and fifteenth days of May, in the year eighteen hundred and seventy-two, in the office of the mayor and in his presence, and by such method as he shall approve, determine by lot the respective



terms of office for one, two, three, four, and five years for which the commissioners and trustees elected in the respective Senate districts and wards respectively shall hold office; and thereafter, at every annual election under this act, there shall be elected six commissioners and six trustees in the manner provided in this section in the Senate district, and wards respectively only for which the term of office of the commissioners and trustees so elected expires, who shall hold office for the period of five years. The members of the board of public instruction shall not receive any compensation for their services.

§ 89. Said board of public instruction shall forthwith, after their organization elect a board of nine trustees, who, together with the president of the "college of the city of New York" ex-officio, shall be trustees for the management of said college of the city of New York, which said nine trustees shall hold office during the pleasure of the board of public instruction. The said nine trustees shall be elected by the board of public instruction in the same manner as the four commissioners of public works, provided by this act, are elected by the board of aldermen, except that each commissioner shall give nine open ballots instead of four, and the votes shall be recorded by the clerk of the board of public instruction, stating the vote of each commissioner, with his name. The nine persons having the largest number of votes shall be elected.

§ 90. The mayor shall immediately, after the first Monday of May, in the year eighteen hundred and seventy-two, appoint three inspectors of common schools for each Senate district, who shall hold office at his pleasure.

§ 91. From and after the first Monday of May, in the year eighteen hundred and seventy-two, the commissioners of public instruction, trustees, and inspectors of common schools, who shall be elected and appointed respectively under the provisions of this act, shall be vested with, and discharge all the powers and duties which are now vested in, and discharged by, the commissioners of the department of public instruction, trustees, and inspectors of common schools.

§ 92. It shall not be lawful to make any appropriation of public money or property, or to make any loan or lease of city lands, or to loan the credit of the city, directly or indirectly, in aid of any private or sectarian or denominational school that is not under the control and management of the department of public instruction, and subject to the same general laws of the State as the public schools are.

#### ARTICLE XIII. — GENERAL PROVISIONS.

§ 93. Every person who shall promise, offer, or give, or cause, or aid, or abet in causing to be promised, offered or given, or furnish or agree to furnish, in whole or in part, to be promised, offered, or given to any alderman, or any officer of the corporation, after his election or appointment, or before or after he shall have qualified and taken his seat, any moneys, goods, right in action, or other property, or any thing of value, or any pecuniary advantage, present or prospective, with intent to influence his vote, opinions, judgment, or action on any question, matter, cause or proceeding which may be then pending, or may by law be brought before him in his official capacity, shall, upon conviction, be imprisoned in a penitentiary for a term not exceeding two years, or shall be fined not exceeding five thousand dollars, or both, in the discretion of the court. Every alderman or officer in this section enumerated, who shall accept any such gift or promise, or undertaking to make the same,

under any agreement or understanding that his vote, legal opinion, or action shall be influenced thereby, or shall be given in any question, matter, cause, or proceeding then pending, or which may by law be brought before him in his official capacity, shall, upon conviction, be disqualified forever from holding any public office, trust, or appointment under the city of New York, and shall forfeit his office, and shall be punished by imprisonment in the penitentiary not exceeding two years, or by a fine not exceeding five thousand dollars, or both, in the discretion of the court. Every person offending against any of the provisions of this section shall be a competent witness against any other person offending in the same transaction, and may be compelled to appear and give evidence before any grand jury, or in any court, in the same manner as other persons; but if any person shall give testimony in any trial or proceeding under this section, such testimony shall not be used against him in any criminal prosecution whatever, by reason of anything done by him in relation to such transaction.

§ 94. Any citizen claiming to have suffered special damage by any such vote or action of any alderman or officer given for any dishonest or corrupt motive or consideration may bring suit against such alderman or officer, and recover his damages not exceeding one thousand dollars.

§ 95. No alderman, commissioner, head of department, chief of bureau, deputy thereof, or clerk therein, or other officer of the corporation, shall be in his own name or otherwise directly or indirectly interested in any contract, work or business, or the sale of any article, the expense, price, or consideration of which is paid from the city treasury, or by any assessment levied by any act or ordinance of the board of aldermen, nor in the purchase of any real estate or other property belonging to the corporation, or which shall be sold by virtue of legal process at the suit of said corporation. If any of the officers above named shall be so interested at the time of his election or appointment, he shall forfeit his office; and if he shall, during the term for which he was elected or appointed, knowingly acquire an interest in any such contract, work, business, sale or assessment, he shall, on conviction thereof, forfeit his office and be punished as for a misdemeanor. All such contracts or sales shall be forfeited when any alderman or other officer enumerated in this section shall be interested therein. The compensation of all officers, agents, clerks and employes of the city government, shall be by fixed salaries or wages, and no such officer, agent, clerk or employe shall receive any fees, commission, per centage, perquisite, interest, or contingent compensation whatever. No such officer, agent, clerk or employe shall give or promise to give any portion of his compensation to any officer of the city or any other person in consideration of his being appointed, elected or continued such officer, agent, clerk or employe, under the penalty of his being removed and rendered forever disqualified from being elected, appointed or employed in the service of the city government.

§ 96. Any alderman, commissioner, head of department, chief of bureau, deputy thereof or clerk therein, or other officer of the corporation, may if a judge shall so order, be summarily examined upon an order, to be made on application based on an affidavit of any commissioner of the treasury, or any three aldermen, requiring such examination, and signed by any justice of the supreme court of the first judicial district, directing such examination to be publicly made at the chambers of said court, at a day and hour to be named, not less, however, than forty-eight



hours after personal service of said order. Such examination shall be confined to an inquiry into any alleged wrongful diversion or misapplication of any moneys or fund, or any violations of the provisions of the last two sections, or any want of mechanical qualification for any inspectorship of public work, or any neglect of duty in acting as such inspector, or any other delinquency charged in said affidavit touching the office or the discharge or neglect of duty, of which it is alleged in the application for said order that such alderman, head of department, or other aforementioned officer has knowledge or information. Such alderman, commissioner, head of department, or other aforesaid officer, shall answer such pertinent questions relative thereto and produce such books and papers in his custody or under his control as the justice shall direct, and the examination may be continued from time to time, as such justice may order, but the answers of the party charged shall not be used against him in any criminal proceeding; provided, however, that for all false answers on material points, he shall be subject to the pains and penalties of the crime of perjury. The proceedings may be continued before any other justice in said district, and other witnesses as well as the parties making such applications, may in the discretion of said justice, be compelled to attend and be examined touching such alleged delinquencies. Such justice may punish any refusal to attend such examination, or to answer any questions pursuant to his order as for a contempt of court, and shall have as full power and authority to enforce obedience to the order or directions of himself or of any other justice as any justice of the supreme court may now have or shall possess, to enforce obedience or to punish contempt in any case or matter whatever. Such examination shall be reduced to writing and be filed in the office of the county clerk of the county of New York, and be at all reasonable times accessible to the public, and notice of the same given to the department in which said officer is employed.

§ 97. Any officer of the city government or person employed in its service, who shall willfully violate or evade any of the provisions of this act, or convert any public property to his own use, or knowingly permit any other person so to convert it, shall be deemed guilty of a misdemeanor, and, in addition to the penalties imposed by law, shall forfeit his office, and be excluded forever after from receiving or holding any office under the city; and any person who shall willfully swear falsely, in any oath or affirmation required by this act, shall be guilty of perjury.

§ 98. No appropriation for the contesting of the office of mayor, or any seat in the common council, or department of public instruction, or the office of any officer whose salary is paid from the city treasury, shall be made to any but the prevailing party. Nor shall such appropriation be made to such prevailing party except upon the written certificate by the chief officer of the law department, as to the value of the services rendered in the case. In the cases provided for under section ninety-six, the law department shall assign counsel to such commissioner of the treasury or alderman making the application; but should such commissioner or alderman see fit to employ other counsel than those assigned by the law department, then in that event no appropriation shall be made by the common council for his or their payment except upon a certificate of the justice or justices before whom the proceedings have been had that there was probable cause for taking such proceedings.

§ 99. Any person holding office, whether by election or appointment, under this charter, who shall, during his term of office, accept, hold, or



retain, any other civil office of honor, trust or emolument under the government of the United States, or of the State, except notaries public and commissioners of deeds, or under this charter, or who shall accept a seat in the legislature, or who shall, during his said term of office, receive any fees or emoluments directed to be paid to him by any ordinance of the common council shall be deemed thereby to have vacated every office held by him under this charter. No person shall hold two charter or county offices, nor shall an officer under the city government hold or retain an office under the county government, except when he holds such office *ex officio* by virtue of an act of the legislature, and in such case he shall draw no salary for such *ex officio* office.

§ 100. No street, avenue or public place in the city of New York, which has been once paved and the expense thereof paid for by the owners of the adjoining property by assessment, shall hereafter be paved at their expense, unless such paving be petitioned for by a majority of the owners of the property who shall also be the owners of a majority of the front feet on the line of the proposed improvement; and any ordinance or resolution heretofore passed for any pavement, which has not been petitioned for by a majority of the owners of the adjoining property to be affected, and for which no contract has been entered into or award of contracts made, is hereby declared to be inoperative and void.

§ 101. All printing for said city including the printing of the city journal shall be executed, and all stationery shall be supplied under contracts, to be entered into by the comptroller and the commissioners of the treasury, or any three of them, after an advertisement in three daily newspapers printed in said city, having the largest circulation therein, for at least two weeks, inviting proposals. Said proposals shall be based upon specifications to be filed in the finance department which shall set forth, with accuracy, the number, of every description, of printed blanks; also of each description of stationery or blank books, in ordinary use in the board of aldermen and the respective departments, and likely to be required during the year for which such contract is to be given; and the bids shall be given for such number of each printed description of blanks, or of each article of stationery (including under the head of stationery letter or writing paper, or envelopes, with printed headings or indorsements) as are specified, and for each additional number as may be required, giving the price for blanks of every description, and the price for all other printing, "per one thousand ems," or for "rule and figure work," or for advertisements, per line. Separate contracts shall be made with the lowest bidder for any one description of printing, or any article of stationery involving an expense of more than five hundred dollars. Twenty per cent of the amount becoming due from time to time shall be withheld by the comptroller until the completion of the contract; and in case the contractor shall fail to fulfill the same to the satisfaction of the commissioners of the department for which said printing is executed, or stationery supplied, or any two of them, then said commissioners may declare said contract to be annulled, and the twenty per cent so reserved to be forfeited to the city, and shall immediately give notice for other bids for such printing during the remainder of the term of the contract, and no judgment shall be recovered against the city for printing or stationery, unless upon evidence of a contract made as provided in this section. Separate contracts may be made at any time for engraving, lithographing, wood-cuts, maps, or other picture

work, as the same may be required; but nothing herein contained shall be construed to require a separate contract for each engraving, lithograph, wood-cut, or map, unless the officers aforesaid shall deem the same advisable, and for the interest of the city.

§ 102. No more than one thousand copies of any message of the mayor, or report of any head of a department, and no more than five hundred copies of any report of a committee of the common council or either board thereof shall be printed. No more than five thousand copies of the city journal in addition to such number as may be subscribed for, or of the work known as the manual of the common council, or of any similar work, shall be printed; and no such work shall be embellished with any pictures of any description, except a map of the city, and all contracts for such pictures shall be void. The city journal shall be published daily, Sundays and legal holidays excepted; and a copy of said city journal shall be sent by mail to all newspapers in the city, and to all libraries or institutions in the city that may apply for it. The said city journal shall be furnished to any person wishing the same, at two cents per copy, or sent to subscribers at five dollars per annum, payable in advance. Nothing shall be contained in the city journal aside from official matters expressly authorized in this charter.

§ 103. On the first Monday of May, in the year eighteen hundred and seventy-two, the terms of office of the following named existing officials of the city of New York shall expire, to wit: The aldermen and assistant aldermen, and their clerks and subordinates; the mayor; the commissioners of public instruction, and the trustees and inspectors of common schools; and on the fifteenth day of May, in the year eighteen hundred and seventy-two, the terms of office of the following named existing officials of said city shall expire, to wit: the tax commissioners, the commissioners of public parks, the commissioners of public charities and correction, the corporation counsel, the corporation attorney, the public administrator, the chamberlain, the city sanitary inspector, the register of records, the commissioners of docks, and all other officers whose places are directed to be supplied by this act, but the terms of office of all officers and employes mentioned in the excepting clauses of sections fifty-one, fifty-two, fifty-five, fifty-seven and fifty-eight of this act, shall expire at the same time with the terms of office of the present police commissioners as by this act provided. All of said out-going officers are hereby directed and required, as soon as possible after the expiration of their said respective terms, to deliver to their respective successors all the property of every kind, and the books and papers, in their use and possession, respectively, belonging to the corporation.

§ 104. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed; but this repeal shall not be deemed to extend to any provision of any statute defining or prescribing the punishment for bribery, fraud, or any other offense, or any misconduct in office; but the provisions of this act in respect thereto are hereby declared to be in addition to any provisions of law now existing.

§ 105. This act shall take effect immediately.

Mr. Alvord moved that the Assembly non-concur in said amendments, and that a committee of conference be appointed on the part of the Assembly and request a like committee on the part of the Senate, and that said bill lay upon the table and be printed as amended, and that the bill as it passed the House be also printed.



Mr. Bemus moved to amend by striking out all of said motion from the word "moved" down to and including the words "Senate and."

Mr. Speaker put the question whether the House would agree to said motion of Mr. Bemus, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion as amended, and it was determined in the affirmative.

Mr. I. D. Brown moved to take from the table the message of the Governor returning the bill entitled "An act to amend an act passed May 7, 1868, entitled 'An act to amend section 3, of chapter 817, of the Laws of 1866, entitled An act to lay out and construct a road from the river road in township No. 14 in the town of Johnsburgh to the Carthage road near the head of Long lake in the county of Hamilton.'"

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. I. D. Brown then moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 85 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Carroll     | Griffin    | Mackay     | Speaker         |
| Aitken        | Chamberlain | Haight     | Marcy      | Springsted      |
| Alberger      | Chambers    | Hawkins    | Moulton    | Squires         |
| Alvord        | Cook        | D. B. Hill | Murdock    | Strahan         |
| I. H. Babcock | Couchman    | Holdridge  | Oakley     | Swain           |
| Badeau        | Crandall    | Hollister  | Osgood     | Tucker          |
| Baltz         | Dunphy      | Houghton   | Paige      | Twombly         |
| Beckwith      | Eastman     | Hungerford | Ray        | A. L. Van Dusen |
| Bemus         | Foley       | Hyatt      | Rice       | W. J. Van Dusen |
| Bennett       | Ford        | Judd       | Roche      | Vedder          |
| Berri         | Fort        | Kennedy    | Sage       | Wells           |
| E. E. Brown   | Fowler      | Knettles   | Shepardson | West            |
| I. D. Brown   | Geib        | Lewis      | Simson     | Whitbeck        |
| Buckley       | Goring      | Lincoln    | Smith      | Whitaker        |
| Buell         | Goss        | Lippitt    | Smyth      | Wiley           |
| Burritt       | Green       | G. D. Lord | Sniper     | Woodward        |
| Campbell      | Greenhalgh  | Loughran   | Snyder     | Woolsey         |

On motion of Mr. I. D. Brown, and by unanimous consent, said bill was then amended as follows:

"SECTION 1. Section 1 of chapter 817 of the Laws of 1866, is hereby amended so as to read as follows:

"§ 1. Henry Crandal, George Levitt and Benjamin Butler, of the county of Warren, are hereby appointed commissioners, whose duty it shall be to lay out and construct a wagon road from the Hudson river road near Roblen Hotel in the town of Johnsburgh, up through the town of Indian Lake, by the most eligible route to the Carthage road near the head of Long Lake, in the county of Hamilton.

"§ 2. Section 3 of said act is hereby amended so as to read as follows:

"§ 3. The non-resident highway tax of townships 6, 7, 8, 14, 15, 16, 17, 18, 19, 23, 31, 32, 33, 34, 35, 36, 40 and 41 of Totten and Crossfield's purchase, in the counties of Essex, Hamilton and Warren, is hereby appropriated for the purposes of this act, and the Comptroller shall retain in



his hands and pay over to the commissioners appointed by this act, all such non-resident highway taxes as may now have been assessed upon the townships above herein named, which may not have been paid over to the treasurer of the counties wherein the said lands are situated; and the said Comptroller shall pay over to the commissioners herein named, or to their order, annually, all such non-resident taxes as may be assessed upon said lands until the year 1873.

Change number of section 2 to section 3.

Amend the title by striking out the word "renew" and inserting the word "amend."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Cook       | Holdridge  | Mackay     | Smyth           |
| Aitken        | Couchman   | Hollister  | Marcy      | Sniper          |
| Alberger      | Crandall   | Houghton   | Moore      | Snyder          |
| Alvord        | Dunphy     | Hungerford | Moseley    | Speaker         |
| I. H. Babcock | Fowler     | Husted     | Mosher     | Squires         |
| Baltz         | Geib       | Hyatt      | Moulton    | Strahan         |
| Beckwith      | Goring     | Judd       | Murdock    | Swain           |
| Bemus         | Goss       | Kennedy    | Osgood     | M. M. Tompkins  |
| Bennett       | Green      | Knapp      | Paige      | Tucker          |
| Berri         | Greenhalgh | Knettles   | Ray        | Twombly         |
| E. E. Brown   | Gregory    | Lewis      | Rice       | A. L. Van Dusen |
| I. D. Brown   | Griffin    | Lincoln    | Roche      | Vedder          |
| Campbell      | Haight     | Lippitt    | Sage       | Whitbeck        |
| Carroll       | Hawkins    | G. D. Lord | Shepardson | Whitaker        |
| Chamberlain   | Herrick    | Loughran   | Simson     | Woodward        |
| Chambers      | D. B. Hill | Lynde      | Smith      |                 |

For the negative

Buell

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

Mr. Speaker announced the special order, being the bill entitled as follows:

"An act making appropriations for certain expenses of government, and for supplying deficiencies in former appropriations."

The House then resolved itself into a committee of the whole on the above entitled bill.

And after some time spent therein, the Speaker resumed the chair, and Mr. Moore, from said committee, reported progress on said bill, and asked and obtained leave to sit again.

On motion of Mr. Alvord, said bill was made a special order for this evening.

A message was received from the Senate in words following:

*Resolved* (if the Assembly concur), that a respectful message be sent to the Governor, requesting him to return to the Senate, for the purpose of amendment, Senate bill No. 157, entitled "An act to amend and in addition to an act to incorporate the New England Society in the city of New York, passed April 15, 1833."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing that the Assembly have passed the same.

Mr. Speaker announced the following committee to attend the funeral of the Hon. P. G. Peck: Messrs. Bennett, Baltz, Hungerford, Marcy, Aitken.

By unanimous consent, Mr. Moulton introduced a bill entitled "An act to incorporate the East Side Quick Transit Company, and to secure the speedy construction through the city of New York of a rapid transit railway," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent,

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act concerning crimes, their punishment and proceedings in criminal cases," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Indefinite leave of absence was granted to Mr. Kingsland on account of sickness.

On motion of Mr. Woolsey, at 2 o'clock and 5 minutes, the House took a recess until 7½ o'clock.

## HALF-PAST SEVEN O'CLOCK P. M.

The House again met.

Mr. Speaker announced the special order, being the bill entitled as follows:

"An act making an appropriation for certain expenses of government, and for supplying deficiencies in former appropriations."

The House again resolved itself into a committee of the whole on the above entitled bill.

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Moore, from said committee, reported progress on said bill, and asked and obtained leave to sit again.

Mr. Alvord moved that said bill be made a special order for to-morrow morning immediately after reading the journal.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

A message from the Senate was received and read, informing of concurrence in the passage of the following entitled bills:

"An act to authorize the town auditors of the town of Saratoga Springs to issue bonds for the completion of and furnishing the town hall at Saratoga Springs."

"An act to authorize the village of Greenbush to issue bonds for the purpose of raising money."

"An act authorizing the city of Rochester to issue its bonds to an amount not to exceed seventy-five thousand dollars for the purpose of building a free academy."

"An act to legalize the vote of the legal voters of the town of Greece, in the county of Monroe, held March 5, 1872, to raise money in aid of

the Lake Ontario Shore Railroad Company, and to authorize the board of supervisors to levy a tax to raise the same."

"An act to facilitate the construction of the New York and Canada railroad, and extending thereto the provisions of certain laws relating to the Whitehall and Plattsburgh Railroad Company."

*Ordered*, That the Clerk deliver said bills to the Governor.

The Senate returned the Senate bill entitled "An act to amend chapter 92, Laws of 1869, entitled 'An act to provide for the compensation of members of the board of supervisors of the county of Oneida,'" with a message that they had concurred in the amendments made thereto by the Assembly.

*Ordered*, That the Clerk return said bill to the Senate.

The Senate returned the bill entitled "An act in relation to the village of Canandaigua, and to provide a police justice and police constables in said village, and defining their jurisdiction, power and duties," with a message that they had agreed to the report of the committee of conference on said bill.

*Ordered*, That the Clerk return said bill to the Senate.

The Senate returned the bill entitled "An act for the better prevention of the procurement of abortions and other like offenses, and to amend the laws relative thereto," with a message that they had reconsidered their vote on the final passage of said bill and as amended by the Assembly again passed the same.

*Ordered*, That the Clerk return said bill to the Senate.

Mr. Rose presented the report of the sub-committee of the whole; which was laid on the table and ordered printed.

(*See Doc. No. 127.*)

On motion of Mr. Vedder, and by unanimous consent,

*Resolved*, That the judiciary committee, to which has been referred the memorial of Mr. White, of Fredonia, making charges against justices Daniels, Barker and Talcott of the supreme court in the eighth judicial district, be authorized to send for persons and papers in the investigation thereof, provided no expense be incurred except for the service of process.

Mr. Speaker announced Messrs Pell and Whitaker appointed on the committee to attend the funeral of Mr. Peck in place of Messrs. Baltz and Hungerford.

On motion of Mr. Fort, at 11 o'clock and 5 minutes, the House adjourned.

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### WEDNESDAY, APRIL 3, 1872.

The House met pursuant to adjournment.

No clergyman present.

The journal of yesterday was read and approved.

The private secretary of the Governor appeared in the Assembly chamber, and presented a communication from the Governor, in the words following:



EXECUTIVE CHAMBER, }  
ALBANY, April 3, 1872. }

*To the Legislature :*

The telegraph to-day announces the death of its inventor, Samuel F. B. Morse. Born in Massachusetts, his home has, for many years of his eventful life, been New York. His fame belongs to neither, but to his country and to the world; yet it seems fitting that this great State in which he lived and died should be the first to pay appropriate honors to his memory. Living he received from governments everywhere more public honors than were ever paid to any American private citizen. Dead, let all the people pay homage to his name. I respectfully recommend to the Legislature the adoption of such resolutions as may be suitable, and the appointment of a joint committee to attend the funeral of the illustrious deceased.

JOHN T. HOFFMAN.

Mr. Fields moved that said communication be referred to the committee on federal relations, with instructions to prepare appropriate resolutions and present them to the Assembly to-morrow morning.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

A message was received from the Senate, in the words following:

IN SENATE, April 2, 1872.

*Resolved* (if the Assembly concur), That the Governor of the State is hereby authorized to appoint two commissioners to represent the State of New York in the International Congress, on the Prevention and Suppression of Crime, to be held in the city of London, on the third day of July, 1872.

*Ordered*, That said resolution be laid on the table.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act to extend the time for the collection of assessments for the improvement of Atlantic avenue, in the town of New Lots, Kings county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to confirm proceedings under chapter 905 of the Laws of 1869 and chapter 750 of the Laws of 1870, relative to laying out a public highway in the towns of Jamaica and Newtown, Queens county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to authorize the village of Herkimer to improve the public road leading from said village to Middleville, in Herkimer county, by repairing and macadamizing the same, and to raise money to make such improvement," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act for the lighting of the street in the town of New Lots, in the county of Kings, with gas," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to provide for increased penalties, for riding or driving any animal or animals across bridges or over rivers in the town of Brasher, St. Lawrence county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to provide for the construction of a canal bridge over the Erie canal at Madison street in the city of Rome," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act to incorporate the Oswegatchie Bridge Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act for the improvement of the navigation of the Cayuga and Seneca canal," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act authorizing the board of supervisors of the county of Westchester to investigate the acts and proceedings of certain boards of commissioners for making or extending highways," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to provide for the endowment of the Unadilla academy," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

"An act to amend chapter 744 of the Laws of 1867, entitled 'An act to define the objects of the New York State Institution for the Blind, and to provide for its management,' passed April 24, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to authorize the construction of a sewer in the county of Kings, from the county buildings at Flatbush, in said county," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act to alter the map or plan of the city of New York, by extending Desbrosses street," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

"An act to amend the charter of the Reserve Mutual Life Insurance Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

"An act to provide for examining and auditing the accounts of certain commissioners for making, improving or extending certain roads in the town of Yonkers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to provide for the laying out, opening, extension and improvement of an avenue in the counties of Kings and Queens," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to repeal chapter 261 of the Laws of 1850, entitled 'An act to provide for the better education of the children of the several orphan asylums in this State other than the city of New York,' passed April 10, 1850," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act revising, amending and consolidating the charter of and the several acts relating to the village of Geneseo in the county of Livingston, modifying the powers of the corporation, and the duties of its

officers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

A message from the Senate was received and read in the words following:

IN SENATE, *April 2, 1872.*

Pursuant to a concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill entitled "An act authorizing the town of Little Valley, Cattaraugus county, to issue bonds to pay its indebtedness incurred in the building of the court-house and jail in said town,"

The vote upon the final passage of the said bill having been reconsidered, on motion of Mr. Allen, and, by unanimous consent, the same was amended as follows:

Section 1, line 6, engrossed bill, strike out the words "chapters one hundred and sixty-six and;" same section, line 7, insert after the word "chapter," the words "one hundred and sixty-six and," same line make "chapter" read "chapters."

And as amended passed, and ordered sent to the Assembly for concurrence.

Mr. Holdridge moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |          |                 |
|---------------|------------|------------|----------|-----------------|
| Abbott        | Cook       | A. Hill    | Lott     | Sniper          |
| Alberger      | Eastman    | D. B. Hill | Loughran | Speaker         |
| Alvord        | Enos       | Holdridge  | Mackay   | Springsted      |
| D. L. Babcock | Fields     | Hollister  | Moore    | Strahan         |
| Badeau        | Foley      | Houghton   | Moseley  | Swain           |
| Bemus         | Ford       | Hungerford | Murdock  | Tobey           |
| Berri         | Fort       | Husted     | Osgood   | Tucker          |
| E. E. Brown   | Fowler     | Hyatt      | Pierce   | Twombly         |
| I. D. Brown   | Geib       | Kennedy    | Preston  | A. L. Van Dusen |
| Buckley       | Goring     | Kilian     | Prince   | W. J. Van Dusen |
| Buell         | Goss       | Knapp      | Rice     | Whitbeck        |
| Burns         | Greenhalgh | Knettles   | Roche    | Wiley           |
| Burritt       | Gregory    | Lewis      | Rose     | Woodward        |
| Campbell      | Griffin    | Lincoln    | Sage     | Wyman           |
| Carroll       | Hawkins    | Lippitt    | Smith    | Yeomans         |
| Chambers      | J. Hayes   | G. P. Lord | Smyth    |                 |

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 89 }  
{ NOES 00 }

Those who voted in the affirmative, were

|          |          |         |        |            |
|----------|----------|---------|--------|------------|
| Abbott   | Crandall | Healy   | Lynde  | Speaker    |
| Alberger | Dunphy   | Herrick | Mackay | Springsted |
| Alvord   | Eastman  | A. Hill | Marcy  | Strahan    |



|             |            |            |         |                 |
|-------------|------------|------------|---------|-----------------|
| Badeau      | Enos       | D. B. Hill | Moore   | Swain           |
| Baltz       | Flammer    | Holdridge  | Mosher  | Tobey           |
| Beckwith    | Ford       | Hollister  | Osgood  | Tucker          |
| Bemus       | Fort       | Houghton   | Paige   | Twombly         |
| E. E. Brown | Fowler     | Hungerford | Pierce  | A. L. Van Dusen |
| I. D. Brown | Geib       | Husted     | Preston | W. J. Van Dusen |
| Buckley     | Goring     | Hyatt      | Ray     | West            |
| Buell       | Goss       | Judd       | Rice    | Whitbeck        |
| Burns       | Green      | Knettles   | Roche   | Whitaker        |
| Burritt     | Greenhalgh | Lewis      | Rose    | Wiley           |
| Campbell    | Gregory    | Lincoln    | Sage    | Woodward        |
| Carroll     | Griffin    | Lippitt    | Simson  | Woolsey         |
| Chamberlain | Haight     | G. P. Lord | Smith   | Wyman           |
| Chambers    | Hawkins    | Lott       | Smyth   | Yeomans         |
| Cook        | J. Hayes   | Loughran   | Sniper  |                 |

*Ordered,* That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The Senate returned the bill entitled "An act making an appropriation for Sarah Wyatt, widow of Samuel Wyatt," with a message that they had passed the same with the following amendments:

Section 1, engrossed bill, strike down to and including the word "comptroller" in the fourth line, and insert the following:

"The comptroller of the city of New York, shall pay from the treasury of said city, the sum of five thousand dollars."

Add at the end of section 1, the following:

"In quelling a riot in the said city of New York."

Amend the title so as to read as follows:

"An act for the relief of Sarah Wyatt, widow of Samuel Wyatt."

The amendments having been read,

Mr. Flammer moved that the Assembly non-concur in said amendments, and that a committee of conference be appointed, and request a like committee on the part of the Senate.

Mr. Fields moved to amend by referring said bill to the committee on ways and means, with instructions so to amend said bill as to instruct the board of audit of the city and county of New York to audit and allow said claim at a sum not exceeding \$5,000.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Fields, and it was determined in the negative.

} AYES 23 {  
} NOES 75 {

Those who voted in the affirmative, were

|               |          |            |         |         |
|---------------|----------|------------|---------|---------|
| I. H. Babcock | Chambers | Foley      | Moseley | Ray     |
| Buckley       | Couchman | J. Hayes   | Mosher  | Speaker |
| Buell         | Dunphy   | Healy      | Oakley  | Tucker  |
| Campbell      | Eastman  | A. Hill    | Paige   | Wyman   |
| Carroll       | Fields   | D. B. Hill |         |         |

Those who voted in the negative, were

|               |         |            |            |                 |
|---------------|---------|------------|------------|-----------------|
| Abbott        | Enos    | Herrick    | G. P. Lord | Smyth           |
| Alberger      | Flammer | Holdridge  | Lott       | Sniper          |
| Alvord        | Ford    | Hollister  | Loughran   | Snyder          |
| D. L. Babcock | Fort    | Houghton   | Lynde      | Strahan         |
| Badeau        | Fowler  | Hungerford | Mackay     | Swain           |
| Baltz         | Geib    | Husted     | Moore      | Tobey           |
| Beckwith      | Goring  | Hyatt      | Moulton    | A. L. Van Dusen |
| Bemus         | Goss    | Judd       | Osgood     | W. J. Van Dusen |

|             |            |           |            |          |
|-------------|------------|-----------|------------|----------|
| Berri       | Green      | Kennedy   | Preston    | Vedder   |
| E. E. Brown | Greenhalgh | Killian   | Prince     | Wells    |
| I. D. Brown | Gregory    | Kingsland | Rose       | West     |
| Burns       | Griffin    | Knettles  | Sage       | Whitbeck |
| Burritt     | Haight     | Lewis     | Shepardson | Wiley    |
| Cook        | Haughton   | Lincoln   | Simson     | Woodward |
| Crandall    | Hawkins    | Lippitt   | Smith      | Yeomans  |

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Flammer, and it was determined in the negative.

Mr. Moseley then moved that said bill be referred to the committee on the affairs of cities, with power to report at any time.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The Senate returned the bill entitled "An act to incorporate the Citizens' Plate Glass Insurance Company," with a message that they had passed the same with the following amendments:

Add at the end of section 3 the following:

"The capital stock of said company shall be invested in the manner prescribed by law for the investment of the capital of life insurance companies."

Section 7, line 8, strike out the words "and exchange."

Same line, strike out the words "other property."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 90 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |          |                 |
|---------------|------------|------------|----------|-----------------|
| Abbott        | Couchman   | Hawkins    | Lott     | Smith           |
| Alberger      | Crandall   | J. Hayes   | Loughran | Smyth           |
| Alvord        | Dunphy     | Healy      | Lynde    | Sniper          |
| D. L. Babcock | Eastman    | Herrick    | Mackay   | Speaker         |
| I. H. Babcock | Fields     | A. Hill    | Moore    | Springsted      |
| Badeau        | Flammer    | D. B. Hill | Moseley  | Strahan         |
| Baltz         | Ford       | Hollister  | Mosher   | Swain           |
| Beckwith      | Fort       | Houghton   | Murdock  | Tobey           |
| Berri         | Fowler     | Hungerford | Oakley   | Tucker          |
| E. E. Brown   | Geib       | Husted     | Osgood   | Twombly         |
| I. D. Brown   | Goring     | Hyatt      | Paige    | A. L. Van Dusen |
| Buckley       | Goss       | Jacobs     | Pierce   | W. J. Van Dusen |
| Buell         | Green      | Judd       | Preston  | Vedder          |
| Burns         | Greenhalgh | Kilian     | Ray      | West            |
| Carroll       | Gregory    | Knettles   | Rice     | Woodward        |
| Chamberlain   | Griffin    | Lewis      | Rose     | Woolsey         |
| Chambers      | Haight     | Lincoln    | Sage     | Wyman           |
| Cook          | Haughton   | G. P. Lord | Simson   | Yeomans         |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to regulate a ferry between the cities of New York and Brooklyn," with a message that they had passed the same with the following amendments:

Line 9, strike out the word "twelve" and insert the word "ten."

Line 10, strike out the words "at midnight" and insert the words "in the evening."

Strike out section 2.

Make section 3 read section 2.

Make section 4 read section 3.

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 78 }  
{ NOES 4 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Chambers   | Griffin    | Lincoln    | Smith           |
| Alberger      | Cook       | Haughton   | Lippitt    | Smyth           |
| Alvord        | Couchman   | Hawkins    | G. P. Lord | Springsted      |
| D. L. Babcock | Crandall   | Healy      | Lott       | Strahan         |
| I. H. Babcock | Dunphy     | Herrick    | Loughran   | Swain           |
| Badeau        | Eastman    | A. Hill    | Lynde      | Tobey           |
| Baltz         | Fields     | D. B. Hill | Mackay     | Tucker          |
| Beckwith      | Flammer    | Holdridge  | Moore      | Twombly         |
| Bemus         | Ford       | Houghton   | Murdock    | A. L. Van Dusen |
| E. E. Brown   | Fort       | Hungerford | Oakley     | W. J. Van Dusen |
| I. D. Brown   | Fowler     | Husted     | Pierce     | Whitbeck        |
| Buckley       | Geib       | Hyatt      | Preston    | Woodward        |
| Buell         | Goss       | Kennedy    | Rice       | Woolsey         |
| Burns         | Green      | Kilian     | Rose       | Wyman           |
| Burritt       | Greenhalgh | Knottles   | Simson     | Yeomans         |
| Chamberlain   | Gregory    | Lewis      |            |                 |

Those who voted in the negative, were

|       |         |      |         |
|-------|---------|------|---------|
| Berri | Carroll | Sage | Speaker |
|-------|---------|------|---------|

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to amend chapter 117 of the Laws of 1850, entitled 'An act to amend an act to provide for the better repairing certain roads in the town of Coeymans,' passed December 14, 1847," with a message that they had passed the same with the following amendments:

Section 3, line 15 of engrossed bill, strike out the word "the" and insert the word "an."

Same line, after the word "election" insert the word "shall be held."

Same line, strike out the word "first" and insert the word "third."

Line 17, same section, insert after the word "two" the word "which."

Add at end of same section the following: "At which time the officers named in section two of this act shall be elected."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |            |         |            |
|---------------|----------|------------|---------|------------|
| Alberger      | Couchman | Herrick    | Lott    | Speaker    |
| Alvord        | Crandall | A. Hill    | Mackay  | Springsted |
| D. L. Babcock | Eastman  | D. B. Hill | Moseley | Strahan    |
| I. H. Babcock | Fields   | Holdridge  | Moulton | Swain      |



|             |            |            |            |                 |
|-------------|------------|------------|------------|-----------------|
| Badeau      | Flammer    | Houghton   | Murdock    | Tobey           |
| Baltz       | Ford       | Hungerford | Niles      | Tucker          |
| Beckwith    | Fort       | Husted     | Pierce     | Twombly         |
| E. E. Brown | Fowler     | Hyatt      | Preston    | A. L. Van Dusen |
| I. D. Brown | Geib       | Judd       | Ray        | W. J. Van Dusen |
| Buckley     | Goss       | Kennedy    | Rice       | West            |
| Buell       | Green      | Kilian     | Sage       | Whitbeck        |
| Burritt     | Greenhalgh | Knettles   | Shepardson | Woodward        |
| Carroll     | Gregory    | Lewis      | Simson     | Woolsey         |
| Chamberlain | Griffin    | Lincoln    | Smith      | Wyman           |
| Chambers    | Haughton   | Lippitt    | Smyth      | Yeomans         |
| Cook        | Healy      | G. P. Lord | Sniper     |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the Senate bill entitled "An act to amend an act entitled 'An act to amend an act to incorporate the Savings Bank of the city of Utica,' passed April 26, 1839, passed April 11, 1870," with a message that they had agreed to the report of the committee of conference on said bill in words following:

The committee of conference to which the matters in difference between the two Houses on the bill entitled "An act to amend an act entitled 'An act to amend an act to incorporate the Savings Bank of the city of Utica,' passed April 26, 1839, passed April 11, 1870," report that they have had the same under consideration, and have agreed to recommend that the Assembly do recede from their amendment to said bill.

M. L. HUNGERFORD,  
L. T. YEOMANS,  
D. C. SQUIRES,

SAMUEL S. LOWERY,  
DANIEL F. TIEMANN,  
*Senate Committee.*

*Assembly Committee,*

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 74 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Chambers   | Hawkins    | Lott       | Speaker         |
| Alberger      | Cook       | Healy      | Mackay     | Strahan         |
| Alvord        | Couchman   | Herrick    | Moore      | Swain           |
| D. L. Babcock | Crandall   | A. Hill    | Moulton    | Tobey           |
| I. H. Babcock | Eastman    | Holdridge  | Murdock    | Tucker          |
| Badeau        | Ford       | Houghton   | Niles      | Twombly         |
| Baltz         | Fort       | Hyatt      | Paige      | A. L. Van Dusen |
| Beckwith      | Fowler     | Judd       | Pierce     | W. J. Van Dusen |
| Bemus         | Geib       | Kilian     | Rice       | West            |
| E. E. Brown   | Goring     | Kingsland  | Rose       | Whitbeck        |
| I. D. Brown   | Goss       | Knettles   | Sage       | Woodward        |
| Buckley       | Green      | Lewis      | Shepardson | Woolsey         |
| Burritt       | Greenhalgh | Lincoln    | Smith      | Wyman           |
| Carroll       | Gregory    | Lippitt    | Smyth      | Yeomans         |
| Chamberlain   | Griffin    | G. P. Lord | Snyder     |                 |

*Ordered*, That the Clerk return said report to the Senate, with a message informing of their concurrence therein.

Mr. Preston moved to take from the table the message of the Governor returning the bill entitled "An act to amend an act entitled 'An act to authorize the village of Dunkirk to issue bonds for the purpose of supply-

ing said village with water, and to create a board of water commissioners,' passed April 13, 1871."

Mr Speaker put the question whether the House would agree to said motion to take from the table, and it was determined in the affirmative.

Mr. Preston then moved that the vote by which said bill was passed be reconsidered.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 90 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Abbott        | Cook       | Healy      | Lynde      | Sniper          |
| Alberger      | Couchman   | Herrick    | Mackay     | Snyder          |
| Alvord        | Crandall   | A. Hill    | Moore      | Speaker         |
| D. L. Babcock | Eastman    | Holdridge  | Mosher     | Springsted      |
| I. H. Babcock | Foley      | Houghton   | Moulton    | Strahan         |
| Badeau        | Ford       | Hungerford | Murdock    | Swain           |
| Baltz         | Fort       | Husted     | Niles      | Tobey           |
| Beckwith      | Fowler     | Hyatt      | Paige      | Tucker          |
| Bemus         | Geib       | Jacobs     | Pierce     | Twombly         |
| Berri         | Goring     | Kennedy    | Preston    | A. L. Van Dusen |
| E. E. Brown   | Goss       | Kilian     | Prince     | W. J. Van Dusen |
| I. D. Brown   | Green      | Kingsland  | Rice       | Wells           |
| Buckley       | Greenhalgh | Knettles   | Rose       | West            |
| Buell         | Gregory    | Lewis      | Sage       | Whitbeck        |
| Burritt       | Griffin    | Lincoln    | Shepardson | Woodward        |
| Carroll       | Haight     | Lippitt    | Simson     | Woolsey         |
| Chamberlain   | Haughton   | G. P. Lord | Smith      | Wyman           |
| Chambers      | Hawkins    | Lott       | Smyth      | Yeomans         |

On motion of Mr. Preston, and by unanimous consent, said bill was amended as follows:

Section 1, line 32, strike out the word "be" and insert the word "are."

Section 1, strike out lines 51 and 52, and insert the words "all savings banks in the county of Chautauqua are hereby authorized to invest not exceeding ten per centum of their respective assets, in the bonds issued by said board of water commissioners."

Said bill, as amended, was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 87 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |            |         |                 |
|---------------|----------|------------|---------|-----------------|
| Abbott        | Cook     | Healy      | Lynde   | Sniper          |
| Alberger      | Couchman | Herrick    | Mackay  | Speaker         |
| Alvord        | Crandall | A. Hill    | Moore   | Springsted      |
| D. L. Babcock | Eastman  | D. B. Hill | Mosher  | Strahan         |
| I. H. Babcock | Fields   | Holdridge  | Moulton | Swain           |
| Badeau        | Foley    | Houghton   | Murdock | Tobey           |
| Baltz         | Ford     | Husted     | Niles   | Tucker          |
| Beckwith      | Fort     | Hyatt      | Oakley  | Twombly         |
| Bemus         | Fowler   | Jacobs     | Pierce  | A. L. Van Dusen |
| Berri         | Geib     | Kennedy    | Preston | W. J. Van Dusen |

|             |            |            |            |          |
|-------------|------------|------------|------------|----------|
| E. E. Brown | Goss       | Kilian     | Prince     | Wells    |
| I. D. Brown | Green      | Kingsland  | Rose       | West     |
| Buckley     | Greenhalgh | Knettles   | Sage       | Whitbeck |
| Buell       | Gregory    | Lewis      | Shepardson | Woodward |
| Burritt     | Griffin    | Lincoln    | Simson     | Woolsey  |
| Carroll     | Haight     | G. P. Lord | Smith      | Wyman    |
| Chamberlain | Haughton   | Lott       | Smyth      | Yeomans  |
| Chambers    | Hawkins    |            |            |          |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein, as amended.

By unanimous consent, Mr. Oakley introduced a bill entitled "An act to provide for the improvement of a certain highway in the town of Newtown, Queens county, and the city of Brooklyn, Kings county, and for the payment of property taken for such improvement," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

By unanimous consent, Mr. Oakley introduced a bill entitled "An act to enable the mayor and common council of Long Island City to borrow money," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Oakley introduced a bill entitled "An act relating to the Newtown Railway Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Eastman introduced a bill entitled "An act to provide for the exchange of first mortgage bonds of the Poughkeepsie and Eastern Railroad Company for second mortgage bonds of the said company, by the commissioners appointed to issue the bonds of the city of Poughkeepsie in aid of the construction of the Poughkeepsie and Eastern railroad, and to invest the same or the avails thereof in the first mortgage bonds of the said railroad company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. West moved that the bill entitled "An act to repeal chapter 813 of the Laws of 1871, and to amend chapter 786 of the Laws of 1870, entitled 'An act to incorporate the village of Mechanicville, in the county of Saratoga, New York,'" be recommitted to the committee on the affairs of villages, retaining its place on general orders.

By unanimous consent, Mr. Hungerford introduced a bill entitled "An act to confirm an assessment for the expense of paving Broad street in the city of Utica," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Hungerford introduced a bill entitled "An act to authorize the common council of the city of Utica to borrow and disburse money for city purposes and levy and collect a tax to pay the same," which was read the first time, and by unanimous consent, was also read the second time, and referred to the committee on the affairs of cities.

By unanimous consent, Mr. Simson introduced a bill entitled "An act authorizing the trustees of the village of Tonawanda to raise money by tax to pay the indebtedness of said village," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.



By unanimous consent, Mr. Griffin introduced a bill entitled "An act to amend an act entitled 'An act to authorize certain towns in the counties of Ulster, Delaware, Greene and Schoharie to issue bonds and take stock in the Rondout and Oswego railroad,' passed April 17, 1866," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Griffin introduced a bill entitled "An act for the protection of pensioners and soldiers," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Fields moved that the special order be postponed for the purpose of considering the orders of business "reports of standing committees" and "introduction of bills."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend an act fixing the fees of justices of the peace and constables in civil and criminal cases, and the fees of jurors and witnesses in justices' courts, and for other purposes,' passed April 20, 1866, as to travel fees of constables, passed May 10, 1869," reported adversely thereto, which report was agreed to.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to limit the number of justices of the peace in the several towns of Richmond county," reported adversely thereto, which report was agreed to.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to define the crime of murder in the first and second degrees," reported adversely thereto; which report was agreed to.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act authorizing Simon Havel, of New York city, to change his name to A. Havel," reported adversely thereto; which report was agreed to.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the salaries of certain clerks of the Marine court of the city of New York," reported adversely thereto, which report was agreed to.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to appeals in criminal cases," reported adversely thereto, which report was agreed to.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to examinations before magistrates of persons charged with crime," reported adversely thereto, which report was agreed to.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act in reference to new trials in criminal cases," reported adversely thereto, which report was agreed to.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act defining the crime of murder and manslaughter and providing for the punishment thereof," reported adversely thereto; which report was agreed to.

Mr. Prince, from the committee on the judiciary, to which was referred

the bill entitled "An act to authorize notaries public to act for counties other than those for which they may be specially appointed," reported adversely thereto; which report was agreed to.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 279 of Laws of 1833, entitled 'An act requiring mortgages of personal property to be filed in the town clerks' offices and other places,' passed April 29, 1833," reported adversely thereto, which report was agreed to.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize a double session of the court of general sessions of the peace in and for the city and county of New York, and confirming a resolution of the board of supervisors of said county, relative to the judges thereof," reported in favor of the passage of the same, with amendments; which report was agreed to and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to elections in the city and county of New York, and to provide for ascertaining by proper proofs the citizens who shall be entitled to the right of suffrage thereat," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. D. B. Hill dissented from said report.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act providing for the copying of certain books in the office of the clerk of the city and county of New York in which judgments and decrees are required by law to be docketed," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act amending an act for the suppression of obscene literature, illustrations, advertisements and articles of indecent or immoral use, and obscene advertisements of patent medicines, passed April 28, 1868," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to amend chapter 412 of the Laws of 1864, entitled 'An act to amend an act to provide for the registry of liens and encumbrances upon boats navigating the canals and rivers in this State,' passed April 15, 1858," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the Marine court of the city of New York," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the service of citations on lunatics and idiots," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for the appointment of a State reporter to report the decisions of the court of appeals, and also a



reporter of the decisions of the supreme court, and to provide for the publication of the reports of the court of appeals and of the supreme court," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince moved to recommit said bill to the committee on the judiciary, retaining its place on general orders.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to incorporate the proprietors of the Shinnecock hills and lands in the town of Southampton in Suffolk county," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the bill entitled "An act to ascertain by proper proofs the citizens who shall be entitled to the right of suffrage in the cities and incorporated villages of this State," reported in favor of the passage of the same with amendments, and with the title amended so as to read as follows: "An act to ascertain by proper proofs the citizens who shall be entitled to the right of suffrage in the cities of this State, except New York and Brooklyn, and to regulate the holding of elections and canvassing of votes in this State; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the Senate bill entitled "An act to incorporate the Union Stock Yard and Market Company," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, reported on reform in legislation, which report was laid on the table and ordered printed.

(*See Doc. No. 130.*)

Mr. Prince, from the committee on the judiciary, to which was referred the matter of the incorporation of social clubs, reported by bill entitled "An act to amend chapter 368 of the Laws of 1865, entitled 'An act for the incorporation of societies or clubs for certain social and recreative purposes,' and the several acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the matter of incorporation of benevolent and other societies, reported by bill entitled "An act further to amend chapter 319 of the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' and the several acts amendatory thereof," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the matter of providing for a commission to propose amendments to the Constitution, reported by a bill entitled "An act to provide for a commission to propose amendments to the Constitution," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Prince, from the committee on the judiciary, to which was referred the matter of cemeteries in incorporated villages, reported by a bill



entitled "An act to amend chapter 209 of the Laws of 1847, entitled 'An act in relation to cemeteries in incorporated villages,'" which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Whitbeck, from the committee on railroads, to which was referred the bill entitled "An act to incorporate the Buffalo and New York Oil-tankage and Transportation Company," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Whitbeck, from the committee on railroads, to which was referred the bill entitled "An act relative to the Washington Street and State Asylum Railroad Company," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Fort, from the committee on canals, to which was referred the the bill entitled "An act for the construction of an iron bridge over the Genesee Valley canal at Pefferdania, in the county of Livingston," reported in favor of the passage of the same with amendments; which report was agreed to and said bill committed to the committee of the whole.

Mr. Fort dissented from said report.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act authorizing the city of Binghamton to use a portion of the Chenango canal for a public street," reported the same for the consideration of the House; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act authorizing the city of Elmira to use a portion of the Chemung canal for a public street, and for other purposes," reported the same for the consideration of the House; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Whitbeck, from the committee on railroads, to which was referred the bill entitled "An act to authorize the New York Elevated Railroad Company to extend its railroad in the westerly and northerly parts of the city of New York and to regulate the construction, operation and management thereof," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Whitbeck, from the committee on railroads, to which was referred the bill entitled "An act to compel the New York Central, Hudson River and Erie Railroad companies to appoint and keep watchmen stationed at the several crossings therein named," reported adversely thereto, which report was agreed to.

Mr. Whitbeck, from the committee on railroads, to which was referred the Senate bill entitled "An act to authorize the Second Avenue Railroad Company, in the city of New York, to extend their tracks and operate the same," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Tobey, from the committee on insurance, to which was referred the Senate bill entitled "An act to amend the charter of the United States Life Insurance Company in the city of New York," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was

referred the bill entitled "An act authorizing the supervisor of the town of Johnsburgh, in the county of Warren, to sell and convey by deed a lot of land known as the town poor lot, in the aforesaid town," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act for the relief of the Luzerne Water-works Company," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the Society of the Members of the New York Stock Exchange, for mutual relief, in the city and county and State of New York," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act authorizing the commissioners of public charities and correction in the city of New York to acquire title to portions of Ward's Island, and the water rights surrounding the same," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Poughkeepsie Female Guardian Society,' passed April 15, 1852," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the New York Homeopathic Surgical Hospital," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Goring, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the Mannsville Lodge, No. 175, Independent Order of Odd Fellows, at Mannsville, in the State of New York," reported adversely thereto, which report was agreed to.

Mr. West, from the committee on trade and manufactures, to which was referred the bill entitled "An act to incorporate the National Wood-working Mechanics' Union of the United States of America," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. West, from the committee on trade and manufactures, to which was referred the bill entitled "An act to incorporate the New York Coal Exchange, and to confer certain powers upon it," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Sniper, from the committee on the militia, to which was referred the bill entitled "An act to authorize the sale of the State armory at Ballston Spa," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.



Mr. G. P. Lord, from the committee on public education, to which was referred the bill entitled "An act relative to school moneys in the city of Rome," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. G. P. Lord, from the committee on public education, to which was referred the bill entitled "An act to amend an act entitled 'An act to provide for the establishment of free schools in the village of Newburgh,' passed April 6, 1852, and the several acts amendatory thereof," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. G. P. Lord, from the committee on public education, to which was referred the bill entitled "An act to compel parents to improve the advantages afforded by the common and union schools of the State," reported the same, with amendments, for the consideration of the House; which report was agreed to, and said bill committed to the committee of the whole.

Mr. G. P. Lord, from the committee on public education, to which was referred the bill entitled "An act in regard to union school district No. 1, in the town of Milton, Saratoga county," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. G. P. Lord, from the committee on public education, to which was referred the bill entitled "An act to amend an act to revise and consolidate the general acts relative to public instruction, as amended by subsequent statutes, passed May 2, 1864," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. G. P. Lord, from the committee on public education, to which was referred the bill entitled "An act authorizing the sale of the school house in school district No. 27 in the town of Huntington, Suffolk county, and providing for the application of the proceeds of said sale," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Mr. G. P. Lord, from the committee on public education, to which was referred the Senate bill entitled "An act to provide for the endowment of the Unadilla Academy," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Loughran, from the committee on public health, to which was referred the bill entitled "An act to amend section 156, of article 4, of chapter 3, of title 2, of part 4, of the Revised Statutes, in relation to bodies of deceased convicts at Auburn State prison," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Shepardson, from the committee on civil divisions, to which was referred the bill entitled "An act to change the name of Richmond county to Staten Island county," reported adversely thereto; which report was agreed to.

Mr. Shepardson, from the committee on civil divisions, to which was referred the bill entitled "An act to alter the boundaries of the towns of Middletown and Southfield, in the county of Richmond," reported adversely thereto; which report was agreed to.

Mr. Strahan, from the committee on privileges and elections, reported in writing and in favor of the adoption of the following resolution:



"*Resolved*, That the standing committee on privileges and elections be discharged from the further consideration of the petition of Henry G. Leask claiming the seat now occupied by Hon. James Dunphy, as member of Assembly for the second Assembly district of the county of New York."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

(*See Doc. No. .*)

Mr. Strahan, from the committee on privileges and elections, reported in writing and in favor of the adoption of the following resolution: "*Resolved*, That the standing committee on privileges and elections be discharged from the further consideration of the petition of William McMahon claiming the seat now occupied by Hon. John P. Blair as member of Assembly for the fourth Assembly district of the county of New York."

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

(*See Doc. No. .*)

Mr. Husted, from the committee on local and special laws, to which was referred the bill entitled "An act to extend the operation and effect of the act passed February 17, 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical and chemical purposes,'" reported that no general law is applicable thereto.

*Ordered*, That said bill be referred to the committee of the whole.

Mr. Husted, from the committee on local and special laws, to which was referred the bill entitled "An act to amend an act entitled 'An act regulating the sale of intoxicating liquors,' passed April 11, 1870," reported that it is a general act.

*Ordered*, That said bill be placed on the preferred calendar.

Mr. Husted, from the committee on local and special laws, to which was referred the bill entitled "An act in regard to public libraries," reported that it is a general law.

*Ordered*, That said bill be placed on the preferred calendar.

Mr. Husted, from the committee on local and special laws, to which was referred the bill entitled "An act in relation to the capital stock of corporations," reported that it is a general law.

*Ordered*, That said bill be placed on the preferred calendar.

Mr. Husted, from the committee on local and special laws, to which was referred the Senate bill entitled "An act to extend the operation and effect of the act passed February 17, 1848, entitled 'An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes,' and entitled, as the title of said act was amended by an act passed April 28, 1866, 'An act to authorize the formation of corporations for manufacturing, mining, mechanical, chemical, agricultural, horticultural, medical or curative, mercantile or commercial purposes,'" reported adversely thereto, that the objects can be attained by existing laws; which report was agreed to.

Mr. Vedder introduced a bill entitled "An act to amend subdivision 3 of section 307 of the Code of Procedure," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. M. M. Tompkins introduced a bill entitled "An act to amend the act entitled 'An act to provide for the incorporation of villages,' passed December 7, 1847, so far as relates to the village of Valatie, in the county

of Columbia,' passed April 6, 1860," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Also, a bill entitled "An act to amend an act passed March 30, 1866, entitled 'An act for the preservation of fish in Kinderhook lake and waters adjacent thereto, and an act amending said act,' passed April 10, 1867," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Baltz introduced a bill entitled "An act to amend an act entitled 'An act to revise the charter of the city of Buffalo,' passed April 28, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to prohibit the sale of carriage or omnibus tickets on all railroad trains entering the city of Buffalo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Jacobs introduced a bill entitled "An act to fix the annual compensation of the justices of sessions in and for the county of Kings," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Burns introduced a bill entitled "An act to amend chapter 511 of the Laws of 1870, relative to a railroad from Syracuse to Onondaga Hill," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Kilian introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the Employment and Indemnity Company in the city of New York,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Strahan introduced a bill entitled "An act to extend the time of beginning the construction of the Newburgh and Midland Railway Company, and expending ten per cent of the amount of the capital thereon," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Prince introduced a bill entitled "An act to amend an act entitled 'An act authorizing the incorporation of rural cemetery associations,' passed April 27, 1847," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Also, a bill entitled "An act further to amend chapter 864 of the Laws of 1868, entitled 'An act to authorize the drainage of marsh lands,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Judd introduced a bill entitled "An act to amend an act entitled 'An act to establish a police force in the county of Richmond,' passed April 28, 1870," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

Mr. Badeau introduced a bill entitled "An act to repeal the acts authorizing certain commissioners to regulate the old White Plains road, and also a portion of First street, in the village of Mount Vernon," which was



read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Also, a bill entitled "An act to repeal the acts authorizing certain commissioners to regulate the old White Plains post road, and also a portion of Fourth avenue, in the village of Central Mount Vernon," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. Niles introduced a bill entitled "An act to incorporate the Iron Viaduct Railway Company, and to provide a feasible, safe and speedy system of rapid transit through the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Also, a bill entitled "An act to incorporate the French Emigration Society of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend section 11 of the Code by adding a subdivision," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend an act entitled 'An act concerning the territorial limits and divisions, the civil polity, and the internal administration of this State,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Also, an act entitled "An act to amend an act entitled 'An act for the incorporation of companies formed to navigate the ocean by steamships,' passed April 12, 1852," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

Mr. Wells introduced a bill entitled "An act entitled 'An act to amend the act to incorporate the village of Savannah, Wayne county, passed April 15, 1867,' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

Mr. Healey introduced a bill entitled "An act to authorize the Sixth Avenue Railroad Company to extend its track," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Speaker announced the special order, being the bill entitled as follows:

"An act making an appropriation for certain expenses of government, and for supplying deficiencies in former appropriations."

The House then resolved itself into a committee of the whole on the said entitled bill.

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Moore, from said committee, reported progress on said bill, and asked and obtained leave to sit again.

Mr. Alvord moved that said bill be made a special order for this evening.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.



The private secretary of the Governor appeared in the Assembly chamber and presented a communication from the Governor in the words following :

EXECUTIVE CHAMBER,  
ALBANY, April 3, 1872. }

*To the Assembly :*

I return, without approval, Assembly bill No. 430, entitled "An act to amend title 12 of the charter of the city of Albany, entitled the police department," passed March 16, 1870."

Among the very earliest of the bills presented to me for approval, after I had come into office, was one relating to the police of the city of Syracuse, being now chapter 19 of the Laws of 1867. This bill was modeled after a law which I found upon the statute book in relation to the police of the city of Utica, chapter 414 of the Laws of 1867. In both cases there were four commissioners of police, whose term of office was four years, but divided into two classes so that half of them went out every two years, and who were to be chosen in the same mode as provided in the present bill, that is to say, every elector was entitled to vote for only one commissioner, the one having the majority of votes to be declared elected, and the one having the next highest number of votes to be appointed by the common council. The general provisions of both bills were well guarded, and the police commissioners were in each case made removable for cause in the same manner as sheriffs.

In 1870 the law of 1867 applicable to Utica was repealed. In Syracuse the law of 1869 is still in force. With more consideration of the principle involved in the Syracuse bill and with the experience of to-day, I would not have given it my approval. The method adopted for the selection of the commissioners in that bill and in the bill now under consideration, while it seemingly gives the election to the people, is, in fact, simply a designation by party caucuses or conventions, and the supposed ratification by the people is a form, and nothing more.

It is only on very rare occasion that, even in the municipal elections, more than two tickets are before the people between which to choose, to wit, the tickets nominated by the organizations representing the two great parties. If four persons are to be designated for certain offices, and every elector is restricted to voting for only two of the four, the people, in fact, can make no choice. The nominations made by the respective conventions of the two great parties are, under such a state of facts, conclusive. This method has been tried, on a larger scale, in the designation of the late board of supervisors for the county of New York. It has recently been given up there with general consent.

The bill now before me is more objectionable than those to which I have already referred, relating to Utica and Syracuse. In this bill four commissioners are to be designated at the municipal election now soon to occur, in the manner already described, who are all to hold office for four years. They are during this period to have the sole and absolute control of the police and, no matter how they may use this great power or abuse it, no provision is made for calling them to account or for removing them or any of them, however pressing may be the need of applying a corrective. For a period of four years the whole power of the police is to be in the hands of men designated by nominating caucuses or conventions, not elected by the people of the city, nor appointed by any public authorities, and subject to no correcting power in case of misconduct or malfeasance in office.

The extraordinary provision of the bill now under consideration for the filling of vacancies among the commissioners might lead to very inconvenient results. It is, that in case of a vacancy occurring, the members of the commission who shall be "of the same political party" as that of the person whose place has become vacant, shall nominate three persons and the members of the commission shall, within two weeks thereafter, choose one of these three to succeed to the vacant position, and "it shall require the votes of all the remaining members for a choice." In the meantime and until the vacancy be filled the commissioners "are prohibited from making any removals from or appointments to the police force." This puts it in the power of one member, by refusing to agree to an appointment for filling the vacancy, to deprive the commissioners of the power of enforcing necessary discipline among the members of the force for an indefinite period.

This provision, moreover, would be liable to great uncertainty in its construction. It is by no means impossible that in a period of four years the political associations of some of the members of the commission might be changed, and so there might be no one qualified to make a nomination or a serious dispute might arise as to which one of the commissioners would be entitled to make it. In this case or in case of an irreconcilable difference of opinion in regard to filling a vacancy, the affairs of the department would remain in confusion until the legislature could be convened."

The main objections are, however, that the commissioners are to be subject during their long tenure of office, to no responsibility to superior authority for misconduct, and that they are to be designated in fact by party conventions, instead of being elected by the people or appointed by some local authority.

In the efforts to obtain non-partisan boards or commissions for certain public duties, we may go so far as to set aside altogether responsible government. For the acts of a board of police appointed as this bill provides, neither the mayor nor the common council of the city would be in any degree responsible, nor could either of the great political parties be held unanswerable. The commissioners would be acting under no sense of responsibility to the people, nor of accountability to the public authorities of the city or State; the only penalty hanging over them for misconduct would be the possible displeasures of the nominating conventions of their respective parties at the distant period of the expiration of their term of four years, or the possible intervention of the Legislature by a repeal of the law and the abolition of their offices.

I feel confident that, on reconsideration of this bill, the Legislature will agree with me that entrusting power to public officers, unaccompanied by an accountability clear, distinct and capable of prompt enforcement, is dangerous to good government.

JOHN T. HOFFMAN.

Mr. Alvord moved to lay said message upon the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Rose presented the report of the sub-committee of the whole; which was laid on the table and ordered printed.

(See Doc. No. 126.)

Mr. I. D. Brown moved that general order 451, being the bill known as the "Local Prohibition" bill, be made a special order for to-morrow evening.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Leave of absence was granted to Mr. Lippitt until Friday evening, and to Mr. White indefinitely.

On motion of Mr. Alvord, at 2 o'clock and 25 minutes, the House took a recess until 7½ o'clock.

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## HALF-PAST SEVEN O'CLOCK P. M.

The House again met.

Mr. Lott, from the committee on engrossed bills, reported as correctly re-engrossed the bill entitled as follows:

"An act to amend chapter 77 of the Laws of 1870, and chapter 536 of the Laws of 1871, passed respectively March 16, 1870, and April 15, 1871, entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany, passed April 12, 1842, and the several acts amendatory thereof, in so far as they relate to the city of Albany.'"

"An act to amend an act passed May 9, 1868, entitled 'An act to amend section 3 of chapter 817 of the Laws of 1866, entitled An act to lay out and construct a road from the river road in township No. 14, in the town of Johnsburgh, to the Carthage road, near the head of Long lake, in the county of Hamilton.'"

"An act to regulate a ferry between the cities of New York and Brooklyn."

"An act for the better prevention of the procurement of abortions and other like offenses, and to amend the laws relative thereto."

"An act to amend an act entitled 'An act to authorize the village of Dunkirk to issue bonds for the purpose of supplying said village with water, and to create a board of water commissioners,' passed April 13, 1871."

"An act to amend chapter 117 of the Laws of 1850, entitled 'An act to amend an act to provide for the better repairing certain roads in the town of Coeymans,' passed December 14, 1847."

A message from the Senate was received and read, in the words following, to wit:

IN SENATE, *April 3, 1872.*

*Resolved* (if the Assembly concur), That the comptroller of New York county, is hereby directed to make a full and complete examination of all the transactions of the present new court-house commissioners of said county, appointed under the Laws of 1870, chapter 382, section 11, for what they expended the \$600,000 given them for final completion of said building; whether any of said appropriation had been used to pay claims against the former board of supervisors; also as to use made of appropriation of 1871, chapter 583, section 7; what was done with the \$200,000 given them by the late comptroller; also what use was made of the money said to be advanced them by the Tenth National bank; to advertise for and report the amount of all legal claims against them. That the aforesaid commissioners are hereby ordered and directed to allow said comptroller or his representative full and free access to copy and examine all books, documents, plans, etc., etc., in their possession,



and every document appertaining to their office. The comptroller will also state the amount necessary to complete said court-house; he will, if necessary, employ an expert and clerical force to make an examination, and report to this Legislature within ten days after receipt of this resolution.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing that the Assembly have passed the same.

The Senate returned the bill entitled as follows:

"An act in relation to the village of Canandaigua, and to provide a police justice and constables in said village, and defining their jurisdiction, power and duties."

*Ordered*, That the Clerk deliver said bill to the Governor.

A message from the Senate was received and read, informing of concurrence in the passage of the bill entitled as follows:

"An act to authorize the Brooklyn City Railroad Company to extend their road along Putnam and Nostrand avenues and Halsey street to Broadway in the city of Brooklyn."

*Ordered*, That the Clerk deliver said bill to the Governor.

The Senate returned the bills entitled as follows:

"An act to authorize the Canal Commissioners to construct a road bridge over the Champlain canal, in the village of Fort Edward, in the county of Washington."

"An act empowering commissioners of certain municipal corporations to subscribe for bonds of the Rochester and State Line Railway Company, in place of stock."

"An act in relation to the establishment and care of a cemetery by the village of Geneva, Ontario county, and to provide means for the same."

"An act to provide for supplying the city of Hudson, Columbia county, New York, with pure and wholesome water."

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Speaker ordered the roll to be called, when the following gentlemen answered to their names:

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Alvord        | Green      | Kingsland  | Oakley  | Springsted      |
| D. L. Babcock | Greenhalgh | Lewis      | Paige   | Tobey           |
| Badeau        | Gregory    | Lincoln    | Preston | M. M. Tompkins  |
| Bemus         | Griffin    | G. D. Lord | Ray     | Tucker          |
| I. D. Brown   | Haight     | G. P. Lord | Rose    | Twombly         |
| Campbell      | Hawkins    | Lott       | Sage    | A. L. Van Dusen |
| Couchman      | D. B. Hill | Mackay     | Simson  | W. J. Van Dusen |
| Dykeman       | Hyatt      | Moore      | Smith   | Wells           |
| Ford          | Judd       | Moseley    | Smyth   | West            |
| Fort          | Kennedy    | Moulton    | Sniper  | Wyman           |
| Geib          | Kilian     | Murdock    | Speaker |                 |

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Mr. Fields then moved that the roll be called again, when the following gentlemen answered to their names:

|               |            |            |         |                |
|---------------|------------|------------|---------|----------------|
| Alvord        | Flammer    | D. B. Hill | Moseley | Springsted     |
| D. L. Babcock | Foley      | Houghton   | Moulton | Strahan        |
| Badeau        | Ford       | Hungerford | Murdock | Swain          |
| Beckwith      | Fort       | Hyatt      | Oakley  | Tilden         |
| Bemus         | Geib       | Judd       | Paige   | Tobey          |
| I. D. Brown   | Goss       | Kennedy    | Preston | M. M. Tompkins |
| Burritt       | Green      | Kilian     | Prince  | Tucker         |
| Campbell      | Greenhalgh | Kingsland  | Ray     | Twombly        |

|          |          |            |         |                 |
|----------|----------|------------|---------|-----------------|
| Chambers | Gregory  | Lewis      | Rose    | A. L. Van Dusen |
| Cook     | Griffin  | Lincoln    | Sage    | W. J. Van Dusen |
| Couchman | Haight   | G. D. Lord | Simson  | Vedder          |
| Dunphy   | Haughton | G. P. Lord | Smith   | Wells           |
| Dykeman  | Hawkins  | Lott       | Smyth   | West            |
| Enos     | Healy    | Mackay     | Sniper  | Wyman           |
| Fields   | Herrick  | Moore      | Speaker |                 |

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The Speaker and Clerk submitted the following list of bills as proper to be referred to the sub-committee of the whole :

"An act to provide for the rebuilding of the bridge over the Oneida river, between the towns of Clay, in the county of Onondaga and Hastings, in the county of Oswego, at Caughdenoy."

"An act to incorporate the Medina Driving Park Association."

"An act to lay out, extend and improve Rush street in the nineteenth ward of the city of Brooklyn, and to alter the commissioners' map of said city."

"An act to provide for the building of an iron bridge across the Chemung river, in the city of Elmira, and bonding said city to pay the expenses thereof."

Senate, "An act to repeal an act entitled 'An act relative to the improvement of certain portions of the county of Westchester and New York, including provisions for communication between said counties, and for improving of the navigation of Harlem river and Spuyten Duyvil creek,' passed April 15, 1871, so far as relates to the towns of East Chester and Westchester, in the county of Westchester."

"An act to constitute a separate road district in the town of Palatine, in the county of Montgomery."

"An act relative to the widening, straightening, laying out and working of the Boston post road, Fordham avenue and the King's Bridge road, in the town of West Farms, in the county of Westchester."

"An act to provide for the completion of certain highways in the towns of Yonkers and East Chester, in the county of Westchester."

"An act to change the grade of One Hundred and Thirtieth and One Hundred and Thirty-seventh street, between St. Ann's avenue and Cypress avenue, in the town of Morrisania, county of Westchester."

"An act in relation to the highway in the town of Yonkers, known as Central road or avenue."

"An act to repeal so much of chapter 868, Laws of 1867, as relate to non-resident lands in Franklin county, and the payment of the taxes assessed and collected from the same."

"An act to establish a special road district in Franklin county, and appropriate the non-resident highway taxes therein."

"An act to amend an act entitled 'An act to provide for the appointment of police commissioners in the village of Green Island, Albany county, and to establish a police force therein,' passed April 20, 1871."

"An act to amend an act entitled 'An act to amend and consolidate the several acts relative to the village of Ballston Spa, passed April 12, 1855,' as amended by an act to amend an act entitled 'An act to amend and consolidate the several acts relative to the village of Ballston Spa, passed May 9, 1868,' and for the purpose of securing an additional supply of water for the use of said village."

"An act to authorize the board of supervisors of Franklin county to assess upon the town of Fort Covington five thousand dollars for the purpose of building sidewalks in said town."

"An act to prevent the obstruction of highways in the county of Chautauqua, by the accumulation of snows therein."

"An act to amend an act entitled 'An act to incorporate the New Brighton Fire Engine Company No. 4,' passed April 19, 1859."

"An act to establish a receiver of taxes, and to authorize the sale of lands for non-payment of taxes and for the collection of unpaid taxes in the town of Hempstead in the county of Queens."

"An act to prohibit catching speckled trout in the county of Madison for the period of three years."

"An act relating to the collection and deposit of moneys raised by taxation in Richmond county."

"An act to amend the statutes in reference to the collection of taxes in the county of Suffolk."

"An act to amend an act entitled 'An act to incorporate the Journey-men's Ship-joiners' Benevolent Association of the city of New York,' passed April 13, 1840."

"An act to incorporate the Palette, of the city of New York."

"An act to amend chapter 368 of the Laws of 1865, entitled 'An act for the incorporation of societies or clubs for certain social and recreative purposes, as amended by an act passed May 1, 1868.'"

Senate, "An act to incorporate the National American University of Music and other Liberal Arts in the city of New York."

Senate, "An act to incorporate the Board of Home Missions of the Presbyterian Church in the United States of America, and to enable the Presbyterian Board of Home Missions, formerly the Presbyterian Committee of Home Missions, to transfer its property to said new corporation, and to vest in such new corporation the corporate rights, franchises, privileges of the former body, and also to enable said new corporation to accept a transfer of the property of the Trustees of the Board of Domestic Missions of the General Assembly of the Presbyterian Church in the United States of America, and to become the legal successor of the said last mentioned corporation."

"An act in relation to the alteration of town boundaries in the county of Franklin."

"An act to amend an act entitled 'An act to authorize the employment of a stenographer for the county court and court of sessions, in the county of Monroe,' being chapter 46 of the Laws of 1864."

Senate, "An act relative to certain lands in the city of Brooklyn, in Kings county, which, in and by the last will and testament of Thomas Poole, deceased, were devised by him to the executors therein named, in trust, for the use and benefit of said testator's daughter, Eliza, for and during her natural life."

"An act to incorporate the city of Yonkers."

"An act to legalize the proceedings of certain commissioners appointed for the drainage of wet lands in Onondaga county."

"An act to amend chapter 39 of the Laws of 1867, entitled 'An act to amend an act entitled An act to incorporate the city of Elmira, passed April 7, 1864, and the acts amendatory thereof,' passed February 16, 1867."

"An act in relation to the Williamsburgh Dispensary, to change the corporate title thereof, and to define and enlarge its powers."

"An act to authorize the common council of the city of Syracuse to raise money for the purchase of a steam fire engine and apparatus, and erect a building for the use of the same."



"An act to amend an act entitled 'An act to amend title 16, chapter 8, part 3 of the Revised Statutes, relative to proceedings for the drainage of swamp marshes and other low or wet lands, and for draining farm lands' passed May 12, 1869."

"An act for the improvement of Myrtle avenue, in the city of Brooklyn."

"An act to legalize the acts of the railroad commissioners of the town of Hammond, St. Lawrence county."

"An act to amend 'An act to incorporate the village of Mount Morris,' passed May 2, 1835, and the several acts subsequent amending the same."

"An act to extend and define the limits of the village of Hornellsville."

"An act to amend 'An act authorizing the trustees of the village of Mount Morris to subscribe to the capital stock of the Mount Morris Water-works Company,' passed May 3, 1869."

Senate, "An act to amend an act entitled 'An act to incorporate the New York Infant Asylum,' passed March 11, 1865."

Senate, "An act to amend an act entitled 'An act to amend an act to incorporate the village of Goshen, passed April 18, 1843, so as to enable the inhabitants of said village to obtain a supply of water for public and private use,' passed March 27, 1871."

Senate, "An act concerning the duties of assessors and collectors of taxes in the several towns and counties of the State, except in the counties of New York and Kings."

"An act to increase the salary of the assessors of the city of Schenectady."

"An act to provide for the erection of a town hall in the town of Rhinebeck, county of Dutchess."

"An act to repeal chapter 94 of the Laws of 1872, entitled 'An act to incorporate the Moose River Improvement Company.'"

"An act to amend section 2, of chapter 131, of the Laws of 1871, entitled 'An act to renew the charter of the New York State Agricultural Society,' passed March 20, 1871."

"An act for the organization and incorporation of the Lenox Farmers' and Mechanics' Association."

"An act to incorporate the Washington Park Association."

"An act to amend section 2 of chapter 9, of Laws of 1872, entitled 'An act relating to appropriations and deficiencies in the city and county of New York, and the audit and payment of salaries and claims in said city and county,' passed January 30, 1872."

"An act for the relief of Rosa Abba Boughton and Addie E. Boughton."

"An act to amend an act authorizing the election of a police justice in the village of Tonawanda, passed April 22, 1870."

"An act to release to Mary Ann Black certain real estate in the city of Auburn, in the county of Cayuga, of which Archibald Black, her late husband, died seized."

"An act to amend section 53 of an act entitled 'An act to amend the charter of the village of Saratoga Springs, and the several acts amendatory thereof,' passed March 26, 1866."

"An act to amend an act entitled 'An act for the incorporation of villages,' passed April 20, 1870."

"An act further to amend an act entitled 'An act to amend an act to prevent animals from running at large in the public highways,' passed April 23, 1862, passed May 9, 1867, passed April 29, 1869."

The House again resolved itself into a committee of the whole on the bill entitled as follows:

"An act making an appropriation for certain expenses of government, and for supplying deficiencies in former appropriations."

And after some time spent therein Mr. Speaker resumed the chair, and Mr. Moore, from said committee, reported progress on said bill, and asked and obtained leave to sit again.

Mr. Alvord moved that said bill be made a special order for to-morrow morning immediately after reading the journal.

Mr. Niles moved to strike out the word "to-morrow" and insert the word "Friday."

Mr. Speaker put the question whether the House would agree to said motion of Mr. Niles, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Alvord, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Speaker presented the annual report of the State Engineer and Surveyor on the railroads of this State, for the year ending September 30, 1871; which was laid on the table and ordered printed.

(See Doc. No. .)

In connection therewith, Mr. Alvord offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That there be printed and bound in cloth under the direction of the State Engineer and Surveyor, the following number of copies of the report on railroads for the year ending September 30, 1871: For each member, officer and reporter of the Assembly, ten copies; and for the department of the State Engineer and Surveyor 2,400 copies; the whole expense thereof to be refunded to the treasury of the State by an equitable amount by the Comptroller on the several railroad companies of this State.

*Ordered*, That said resolution be referred to the committee on public printing.

Mr. Fort offered for the consideration of the House a resolution, in the words following, to wit:

*Whereas*, The committee on canals have been directed to investigate charges against William W. Wright, Canal Commissioner, and John Haggerty, late superintendent on the Cayuga and Seneca canal; and whereas, the services of a stenographer will be necessary in taking the testimony on such investigation; therefore,

*Resolved*, That the committee be authorized to employ Worden E. Payne, Esq., as stenographer, at a compensation of fifteen cents per folio, for a term not exceeding fifteen days.

On motion of Mr. Fort, and by unanimous consent, the vote on the adoption of said resolution was ordered to be taken immediately after reading the journal to-morrow morning.

On motion of Mr. Fields, at 10 o'clock and 30 minutes, the House adjourned.

## THURSDAY, APRIL 4, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. T. D. Miller.

Mr. Speaker ordered the roll to be called, when the following gentlemen answered to their names :

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Crandall    | Hollister  | Moore      | Smyth           |
| Aitken        | Dunphy      | Hungerford | Moseley    | Sniper          |
| Alvord        | Dykeman     | Hyatt      | Mosher     | Snyder          |
| D. L. Babcock | Foley       | Jacobs     | Moulton    | Speaker         |
| Badeau        | Ford        | Judd       | Murdock    | Swain           |
| Beckwith      | Fowler      | Kennedy    | Niles      | Tobey           |
| Bemus         | Goring      | Kilian     | Oakley     | M. M. Tompkins  |
| Bennett       | Goss        | Kingsland  | Osgood     | Tucker          |
| Berri         | Green       | Knapp      | Pell       | Twombly         |
| E. E. Brown   | Greenhalgh  | Knottles   | Pierce     | A. L. Van Dusen |
| I. D. Brown   | Gregory     | Lewis      | Preston    | W. J. Van Dusen |
| Buell         | Griffin     | Lincoln    | Ray        | Wells           |
| Burns         | Haight      | G. D. Lord | Rice       | West            |
| Burritt       | Haughton    | G. P. Lord | Roche      | Whitbeck        |
| Campbell      | Hawkins     | Lott       | Sage       | Whitaker        |
| Carroll       | A. L. Hayes | Loughran   | Shepardson | Woodward        |
| Chamberlain   | J. Hayes    | Lynde      | Simson     | Woolsey         |
| Cook          | Healy       | Mackay     | Smiley     | Wyman           |
| Couchman      | Herrick     | Marcy      | Smith      | Yeomans         |

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On motion of Mr. Alvord, the reading of the journal of yesterday was dispensed with.

Mr. Speaker presented a communication from the Auditor of the Canal Department in response to a resolution of the Assembly adopted April 1; which was laid on the table and ordered printed.

(See Doc. No. 134.)

The Senate sent for concurrence the bills entitled as follows :

"An act for the relief of the German United Evangelical St. John's Church of the city of Buffalo," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act in relation to the powers and duties of county treasurers, and to authorize certain actions and proceedings against them," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act for the organization and incorporation of the Lenox Farmers' and Mechanics' Association," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

"An act to legalize the vote of the electors of the town of Boonville, Oneida county, to raise money to improve certain roads in said town," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act to amend the charter of the New York Produce Exchange Company, and to confer powers upon said company," which was read



the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to provide for the election of a police justice in and for the village of Cayuga, and defining his powers and duties," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of villages.

"An act to incorporate the New York Construction Company of the city of New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act to amend chapter 360 of the Laws of 1871, entitled 'An act to amend an act entitled An act to provide for the promotion of public health, and for draining overflowed and wet lands adjoining Black lake and its tributaries, in the counties of St. Lawrence and Jefferson, and for improving the hydraulic power at Ogdensburgh, passed May 4, 1864, being chapter 577 of the Laws of 1864, as amended by chapter 180 of the Laws of 1868,' passed April 7, 1871," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act for the better preservation of horse records," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

The Senate sent for concurrence the resolutions entitled as follows :

"Resolution that the Senate agree to the proposed amendment of the sixth article of the Constitution relative to the court of appeals," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"Concurrent resolution proposing an amendment to the Constitution relative to State prisons," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on State prisons.

The Senate returned the bill entitled "An act to authorize the city of Rochester to issue its bonds in aid of the Rochester, Nunda and Pennsylvania Railroad Company, and to take the bonds of that company therefor," with a message that they had passed the same with the following amendments :

Section 1, engrossed bill, line 6, after the word "through," insert the words "or near."

Section 3, subdivision 2, line 3, strike out the letter "a," and insert the words "the entire." Same line after the word "track," insert the words "of the said railroad." Same subdivision, line 6, after the word "the," insert the words "whole of." Line 7, after the word "be," insert the word "completely." Same subdivision, line 10, after the word "delivered," insert the words "along the whole line of the railroad between those two places." Line 12, after the word "the," insert the words "whole of." Line 13, after the word "order," insert the words "from Rochester to or near Belvidere."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 92 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Dunphy      | Holdridge  | Marcy      | Smyth           |
| Aitken        | Dykeman     | Hollister  | Moore      | Sniper          |
| Alvord        | Enos        | Houghton   | Mosher     | Speaker         |
| D. L. Babcock | Foley       | Hungerford | Moulton    | Springsted      |
| I. H. Babcock | Ford        | Hyatt      | Murdock    | Swain           |
| Baltz         | Fort        | Jacobs     | Niles      | Tobey           |
| Beckwith      | Fowler      | Judd       | Oakley     | M. M. Tompkins  |
| Bemus         | Geib        | Kennedy    | Osgood     | Tucker          |
| Bennett       | Goring      | Kilian     | Pell       | A. L. Van Dusen |
| E. E. Brown   | Goss        | Knettles   | Pierce     | W. J. Van Dusen |
| Buckley       | Green       | Lewis      | Ray        | Vedder          |
| Buell         | Greenhalgh  | Lincoln    | Roche      | Wells           |
| Burns         | Gregory     | G. D. Lord | Rose       | Whitbeck        |
| Burritt       | Griffin     | G. P. Lord | Sage       | Whitaker        |
| Campbell      | Haight      | Lott       | Shepardson | Woodward        |
| Chamberlain   | Hawkins     | Loughran   | Simson     | Woolsey         |
| Chambers      | A. L. Hayes | Lynde      | Smiley     | Wyman           |
| Cook          | Healy       | Mackay     | Smith      | Yeomans         |
| Crandall      | Herrick     |            |            |                 |

*Ordered,* That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to authorize the city of Rochester to issue its bonds in aid of the Rochester and State Line Railway Company and to take the bonds of that company therefor," with a message that they had passed the same with the following amendments:

Strike out section 1 and insert the following:

"§ 1. The city of Rochester is hereby authorized to issue the corporate bonds of the city to the amount of \$600,000 for the purpose of aiding the Rochester and State Line Railway Company in constructing a railroad from Salamanca, Cattaraugus county, to the city of Rochester as hereinafter provided."

Section 3, line 4, after the word "following" insert the words "and not otherwise."

Line 12, strike out the word "an" and insert the word "at."

Line 23, at the end of the line insert the word "entire."

Line 24, after the word "track" insert the words "of the said railroad."

Line 27, after the word "the" insert the words "whole of the."

Line 28, after the word "be" insert the word "completely."

Line 30, after the word "the" insert the word "whole."

Line 31, after the word "the" insert the word "whole."

Line 33, after the word "the" insert the words "whole of the."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 92 }  
{ NOES 00 }

Those who voted in the affirmative, were

|        |             |             |        |         |
|--------|-------------|-------------|--------|---------|
| Abbott | Chamberlain | Hawkins     | Lynde  | Smyth   |
| Aitken | Cook        | A. L. Hayes | Mackay | Snyder  |
| Alvord | Couchman    | Healy       | Marcy  | Speaker |

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| D. L. Babcock | Crandall   | D. B. Hill | Moore      | Swain           |
| I. H. Babcock | Dunphy     | Holdridge  | Murdock    | Tobey           |
| Badeau        | Dykeman    | Hollister  | Niles      | M. M. Tompkins  |
| Baltz         | Enos       | Hyatt      | Oakley     | Tucker          |
| Beckwith      | Fields     | Jacobs     | Osgood     | A. L. Van Dusen |
| Bemus         | Ford       | Judd       | Pell       | W. J. Van Dusen |
| Bennett       | Fort       | Kennedy    | Pierce     | Vedder          |
| Blair         | Fowler     | Kilian     | Preston    | Wells           |
| E. E. Brown   | Geib       | Knapp      | Rice       | West            |
| I. D. Brown   | Goss       | Knettles   | Rose       | Whitbeck        |
| Buckley       | Green      | Lincoln    | Sage       | Whitaker        |
| Buell         | Greenhalgh | G. D. Lord | Shepardson | Woodward        |
| Burns         | Gregory    | G. P. Lord | Simson     | Woolsey         |
| Burritt       | Griffin    | Lott       | Smiley     | Wyman           |
| Campbell      | Haight     | Loughran   | Smith      | Yeomans         |
| Carroll       | Haughton   |            |            |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act granting the consent of the State of New York to the purchase, by the United States, of certain lands for the purpose of the erection of a custom-house, court-house, etc. at Albany, and ceding jurisdiction over the same," with a message that they had passed the same with the following amendments:

Section 1, line 5, strike out the word "etcetera" and insert the words "or other public buildings for the use of the United States."

Amend the title by striking out the word "etcetera" and inserting the words "or other public buildings for the use of the United States."

The amendments having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

{ AYES 95 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Abbott        | Couchman    | D. B. Hill | Mackay     | Smyth           |
| Aitken        | Crandall    | Holdridge  | Marcy      | Sniper          |
| Alvord        | Dunphy      | Hollister  | Moore      | Speaker         |
| D. L. Babcock | Dykeman     | Houghton   | Moulton    | Springsted      |
| I. H. Babcock | Enos        | Hungerford | Murdock    | Swain           |
| Badeau        | Fields      | Hyatt      | Niles      | Tobey           |
| Beckwith      | Foley       | Jacobs     | Osgood     | M. M. Tompkins  |
| Bemus         | Ford        | Judd       | Pell       | Tucker          |
| Bennett       | Fort        | Kennedy    | Pierce     | Twoombly        |
| Blair         | Geib        | Kilian     | Preston    | A. L. Van Dusen |
| E. E. Brown   | Goring      | Kingsland  | Ray        | W. J. Van Dusen |
| I. D. Brown   | Goss        | Knettles   | Rice       | Vedder          |
| Buckley       | Green       | Lewis      | Roche      | Wells           |
| Buell         | Gregory     | Lincoln    | Rose       | West            |
| Burns         | Griffin     | G. D. Lord | Sage       | Whitaker        |
| Burritt       | Haughton    | G. P. Lord | Shepardson | Woodward        |
| Carroll       | A. L. Hayes | Lott       | Simson     | Woolsey         |
| Chamberlain   | Healy       | Loughran   | Smiley     | Wyman           |
| Cook          | Herrick     | Lynde      | Smith      | Yeomans         |

*Ordered*, That the Clerk deliver said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled as follows:

"An act to regulate a ferry between the cities of New York and Brooklyn."



*Ordered*, That the Clerk deliver said bill to the Governor.

The Senate returned the bill entitled "An act to authorize the formation, establishing and maintaining of driving park or park associations," with a message that they had passed the same with the following amendments:

Section 1, line 3, after the word "parks," first occurring, insert the word "or."

Same line, strike out the words "or agricultural."

Section 4, lines 15 and 16, strike out the words "who shall have been such not less than thirty days prior to such election."

Same section, line 25, after the word "incorporation" strike out the balance of the section.

Amend the title so as to read as follows:

"An act to authorize the formation, establishing and maintaining of driving park, and park associations."

The amendments having been read,

Mr. Speaker stated the question to be on concurring.

Mr. Yeomans moved to non-concur in said amendments, and that a conference committee be appointed, and request a like committee on the part of the Senate.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker announced the following as such committee on the part of the Assembly, to wit: Messrs. Yeomans, Hungerford, Eastman, Abbott and Couchman.

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of non-concurrence in their amendments, and requesting a committee of conference.

The Senate returned the bill entitled "An act to authorize the city of Rochester to issue its bonds in aid of the Lake Ontario Shore Railroad Company, and to take the bonds or stock of that company therefor," with a message that they had passed the same with the following amendments:

Section 1, engrossed bill, line 3, strike out the word "two" and insert the word "three."

Same line, strike out the words "and fifty."

Subdivision 2 of section 3, line 14, strike out the word "fifty" and insert the words "one hundred."

The amendment having been read,

Mr. Speaker put the question whether the House would concur in the same, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 95 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |             |          |            |
|---------------|----------|-------------|----------|------------|
| Abbott        | Cook     | Hawkins     | Loughran | Smiley     |
| Aitken        | Couchman | A. L. Hayes | Lynde    | Smith      |
| Alvord        | Crandall | Herrick     | Mackay   | Smyth      |
| D. L. Babcock | Dunphy   | Holdridge   | Marcy    | Sniper     |
| I. H. Babcock | Dykeman  | Hollister   | Moore    | Speaker    |
| Baltz         | Enos     | Houghton    | Mosher   | Springsted |
| Beckwith      | Fields   | Hungerford  | Murdock  | Swain      |
| Bemus         | Foley    | Hyatt       | Niles    | Tobey      |

|             |            |            |            |                 |
|-------------|------------|------------|------------|-----------------|
| Bennett     | Fort       | Judd       | Osgood     | M. M. Tompkins  |
| Blair       | Fowler     | Kennedy    | Paige      | Tucker          |
| E. E. Brown | Geib       | Kilian     | Pell       | A. L. Van Dusen |
| I. D. Brown | Goring     | Kingsland  | Pierce     | W. J. Van Dusen |
| Buckley     | Goss       | Knapp      | Preston    | Wells           |
| Buell       | Green      | Knettles   | Ray        | West            |
| Burns       | Greenhalgh | Lewis      | Roche      | Whitbeck        |
| Burritt     | Gregory    | Lincoln    | Rose       | Whitaker        |
| Carroll     | Griffin    | G. D. Lord | Sage       | Woodward        |
| Chamberlain | Haight     | G. P. Lord | Shepardson | Wyman           |
| Chambers    | Haughton   | Lott       | Simson     | Yeomans         |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments.

The Senate returned the bill entitled "An act to amend chapter 12 of the Laws of 1872, entitled 'An act prescribing the officers and employes that may be elected, appointed or employed by the Senate and Assembly, fixing the salary and compensation thereof, and regulating the proceedings of investigating committees, and providing for the payment of the expenses thereof,'" with a message that they had passed the same with the following amendments:

Section 1, line 1, change the word "section" to the word "sections." After the word "sections" insert the word "one." Same line, after the word "two" insert the words "and three." Same section, line 7, strike out the word "is" and insert the word "are." Same section, line 8, after the word "follows" insert the following:

"§ 1. The Senate may elect or appoint a clerk, a stenographer, a sergeant-at-arms, and an assistant, who shall act as postmaster, an assistant postmaster, a door-keeper, and six assistants, one person who shall act as janitor and keeper of the Senate chamber and its anterooms, and one assistant, not more than sixteen persons to serve as clerks of committees, and not more than eight pages, and not more than ten messengers to committees. The President of the Senate may appoint a clerk and messenger, and the Clerk of the Senate may appoint an assistant-clerk, a journal clerk, four deputy clerks, one of whom shall act as clerk of the committee on engrossed bills, a librarian, an assistant librarian, a superintendent of documents, and three messengers, one of whom shall act as Clerk's and bank messenger."

Add as section 3 the following:

"§ 3. The following salaries shall be paid for the annual session of the Legislature: To the clerks of each House three thousand dollars; to the assistant clerks and journal clerks each fifteen hundred dollars; to the deputy clerks each twelve hundred dollars, except to the clerks assigned to the committee on engrossed bills; to them, to the clerk of the President of the Senate, to the Clerk's and bank messenger of the Senate, and to the Speaker's clerk, six hundred dollars; to the sergeants-at-arms, the librarian, the assistant librarians, the postmaster of the Assembly, the assistant postmasters of the Senate and Assembly, and the door-keepers, to each of them six dollars per day; to the assistant door-keepers, the keepers and janitors, the assistant keepers and janitors and superintendent of documents of the Senate and Assembly, each five dollars per day; and each of the officers in this section above named shall receive the same mileage as is now allowed by law to the members of the Legislature; to the stenographers fifteen hundred dollars each; to the clerks of the committees each five dollars per day; to the mail-carriers three dollars per day; to the messengers each three dollars

per day; to the pages each two dollars per day; and no extra allowance shall be made to the officers and employes above named on any pretense whatever. The mileage, salary, and per diem allowance in this section provided for, shall be paid on the warrant of the Comptroller, upon the certificate of the President of the Senate, for the officers and employes of the Senate, and on the certificate of the Speaker for the officers and employes of the Assembly. All appointments made under this act shall be entered on the journal of the House wherein they are so made; such entry shall specify the date of the appointment and the length of time the same is to continue."

Change section 3, engrossed bill, to section 4.

Mr. Speaker stated the question to be on concurring.

Mr. Husted moved to non-concur in said amendments, and that a committee of conference be appointed on the part of the Assembly, and request a like committee on the part of the Senate.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker announced the following as such committee on the part of the Assembly, to wit: Messrs. Husted, I. D. Brown, Vedder, Strahan and Moseley.

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of non-concurrence in their amendments, and requesting a committee of conference.

The Senate returned the bills entitled as follows:

"An act for the better prevention of the procurement of abortions and other like offenses, and to amend the laws relative thereto."

"An act to amend chapter 117 of the Laws of 1850, entitled 'An act to amend an act to provide for the better repairing certain roads in the town of Coeymans,' passed December 14, 1847."

"An act to incorporate the Citizens' Plate Glass Insurance Company."

"An act to renew an act passed May 9, 1868, entitled 'An act to amend section 3 of chapter 817 of the Laws of 1866, entitled An act to lay out and construct a road from the river road in township No. 14, in the town of Johnsburch, to the Carthage road, near the head of Long lake, in the county of Hamilton.'"

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Husted, from the committee on federal relations, reported as follows:

*To the Honorable the Assembly:*

The undersigned committee on federal relations, to which was referred the communication of His Excellency the Governor, announcing the death of Samuel F. B. Morse, beg leave respectfully to report, that they cannot more fully perform the duty enjoined upon them than to embody, in the form of resolutions, the appropriate and eminently fit words of the message of His Excellency, and therefore without farther preamble, offer the following resolutions:

*Resolved*, That the telegraph (his creation) announces the death of its inventor, Samuel F. B. Morse. Born in Massachusetts, his home has for many years of his eventful life been New York. His fame belongs to neither, but to his country and to the world, yet it seems fitting that this great State, in which he lived and died, should be the first to pay appropriate honors to his memory. Living, he received from governments more public honors than were ever paid to any American private citizen. Dead, let all the people pay homage to his memory.



*Resolved*, That the lightning flash, first compelled from Heaven by mortal hands, through the instrumentality of a Franklin, utilized and rendered the hand-maid and most efficient aid of civilization, by a Morse, will never perform a more painful and sad act than when it set the tune to the requiem over the grave of one who, by the control of its mighty power, is acknowledged and known of all men as one of the greatest human benefactors of his age or of the world in its history.

*Resolved*, That a committee of seven be appointed by the Chair to attend the funeral of the late Samuel F. B. Morse.

*Resolved*, That the Clerk of the Assembly is hereby directed to transmit a properly engrossed copy of these resolutions to the family of the deceased.

Mr. Husted moved that the vote on the adoption of said resolutions be taken standing and in silence.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

And said resolutions were adopted unanimously.

Mr. Speaker announced as such committee Messrs. Husted, Prince, Griffin, Simpson, Moulton, Osgood and Tilden.

Leave of absence was granted to Messrs. Eastman, Knettles, Mosher and Rice indefinitely.

Mr. Speaker stated the question to be under the special order of the House upon the adoption of the resolution, offered by Mr. Fort yesterday, in words following:

*Whereas*, The committee on canals have been directed to investigate charges against William W. Wright, Canal Commissioner, and John Haggerty, late superintendent on the Cayuga and Seneca canal; and

*Whereas*, The services of a stenographer will be necessary in taking the testimony on such investigation; therefore,

*Resolved*. That the committee be authorized to employ Worden E. Payne, Esq., as stenographer, at a compensation of fifteen cents per folio for a term not exceeding fifteen days.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

} AYES 91 }  
} NOES 3 }

Those who voted in the affirmative, were

|               |            |             |            |                 |
|---------------|------------|-------------|------------|-----------------|
| Abbott        | Chambers   | Hart        | Lott       | Smith           |
| Aitken        | Cook       | Haughton    | Lynde      | Smyth           |
| Alberger      | Couchman   | Hawkins     | Mackay     | Speaker         |
| Alvord        | Crandall   | A. L. Hayes | Marcy      | Springsted      |
| D. L. Babcock | Dunphy     | Herrick     | Moore      | Strahan         |
| I. H. Babcock | Dykeman    | A. Hill     | Murdock    | Swain           |
| Badeau        | Enos       | D. B. Hill  | Oakley     | Tobey           |
| Beckwith      | Fields     | Holdridge   | Osgood     | M. M. Tompkins  |
| Bemis         | Ford       | Houghton    | Paige      | Tucker          |
| Bennett       | Fort       | Hungerford  | Pierce     | A. L. Van Dusen |
| Berri         | Fowler     | Hyatt       | Preston    | W. J. Van Dusen |
| Blair         | Geib       | Judd        | Ray        | Wells           |
| E. E. Brown   | Goring     | Kilian      | Rice       | West            |
| I. D. Brown   | Goss       | Knapp       | Rose       | Whitaker        |
| Buckley       | Greenhalgh | Knettles    | Sage       | Woodward        |
| Buell         | Gregory    | Lewis       | Shepardson | Woolsey         |
| Burns         | Griffin    | Lincoln     | Simson     | Wyman           |
| Burritt       | Haight     | G. P. Lord  | Smiley     | Yeomans         |
| Chamberlain   |            |             |            |                 |

Those who voted in the negative, were

J. Hayes            Healy            Pell

Mr. Speaker announced the special order, being the "Annual Supply bill," entitled as follows:

"An act making an appropriation for certain expenses of government, and for supplying deficiencies in former appropriations."

The House then resolved itself into a committee of the whole on the above entitled bill.

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Moore, from said committee, reported progress on said bill, and asked and obtained leave to sit again.

Mr. Alvord moved that said bill be made a special order for this evening, that in the further consideration of said bill and that in the debate thereon the time be limited to five minutes, and that no member shall speak more than twice on the same subject.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Speaker announced the appointment of Mr. Gregory upon the committee on public health, in place of Mr. Peck, deceased.

Also, the appointment of Mr. Fort in place of Mr. Peck, deceased, upon the committee on State prisons.

Mr. Rose presented the report of the sub-committee of the whole; which was laid on the table and ordered printed.

(See Doc. No. 132.)

Mr. I. D. Brown moved that the bill known as the "Local Prohibition bill," be made a special order for to-morrow morning immediately after reading the journal.

Mr. Fields moved to strike out all after the word "to-morrow" and insert the words "evening, and that a special session be held at that time for that purpose."

Mr. Griffin moved to amend by striking out the word "to-morrow" and inserting the word "Tuesday."

Mr. Speaker put the question whether the House would agree to said motion of Mr. Griffin, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion as amended, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

On motion of Mr. Pell, at 2 o'clock and 15 minutes, the House took a recess until 7½ o'clock.

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HALF-PAST SEVEN O'CLOCK P. M.

The House again met.

Mr. Loughran, from the committee on engrossed bills, reported as correctly re-engrossed the bills entitled as follows:

"An act to authorize the city of Rochester to issue its bonds in aid of the Rochester and State Line Railway Company, and to take the bonds of that company therefor."

"An act to authorize the city of Rochester to issue its bonds in aid of

the Lake Ontario Shore Railroad Company, and to take the bonds or stock of that company therefor."

"An act to authorize the city of Rochester to issue its bonds in aid of the Rochester, Nunda and Pennsylvania Railroad Company, and to take the bonds of that company therefor."

"An act granting the consent of the State of New York to the purchase by the United States of certain lands for the purpose of the erection of a custom-house, court-house, or other public buildings for the use of the United States, at Albany, and ceding jurisdiction over the same."

The Speaker ordered the roll to be called when the following gentlemen answered to their names :

|               |             |           |            |                |
|---------------|-------------|-----------|------------|----------------|
| Alvord        | Crandall    | Houghton  | Moseley    | Smith          |
| D. L. Babcock | Fields      | Hyatt     | Mosher     | Snyder         |
| Baltz         | Foley       | Jacobs    | Oakley     | Speaker        |
| Beckwith      | Ford        | Judd      | Paige      | Springsted     |
| Bemus         | Fort        | Kennedy   | Pell       | Swain          |
| Bennett       | Goring      | Kilian    | Pierce     | Tobey          |
| Berri         | Goss        | Kingsland | Preston    | M. M. Tompkins |
| I. D. Brown   | Haight      | Lewis     | Ray        | Tucker         |
| Buckley       | Hawkins     | Lincoln   | Rice       | Twombly        |
| Buell         | A. L. Hayes | Loughran  | Roche      | Wells          |
| Chamberlain   | Herrick     | Mackay    | Rose       | West           |
| Chambers      | A. Hill     | Marcy     | Sage       | Wyman          |
| Cook          | D. B. Hill  | Moore     | Shepardson | Yeomans        |
| Couchman      | Hollister   |           |            |                |

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By unanimous consent, Mr. A. L. Van Dusen introduced a bill entitled "An act to confirm the official acts of the trustees of the village of Phelps," which was read the first time, and by unanimous consent, was also read the second time.

On motion of Mr. A. L. Van Dusen, and by unanimous consent, said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Aitken        | Crandall    | D. B. Hill | Mackay     | Sniper          |
| Alvord        | Dykeman     | Holdridge  | Marcy      | Snyder          |
| D. L. Babcock | Enos        | Houghton   | Moore      | Speaker         |
| I. H. Babcock | Fields      | Hungerford | Moseley    | Springsted      |
| Badeau        | Foley       | Hyatt      | Mosher     | Swain           |
| Baltz         | Ford        | Jacobs     | Murdock    | Tobey           |
| Beckwith      | Fort        | Judd       | Oakley     | M. M. Tompkins  |
| Bemus         | Goring      | Kennedy    | Preston    | Tucker          |
| Bennett       | Goss        | Kilian     | Ray        | Twombly         |
| Berri         | Green       | Kingsland  | Rice       | A. L. Van Dusen |
| I. D. Brown   | Gregory     | Knapp      | Roche      | W. J. Van Dusen |
| Buckley       | Haight      | Knettles   | Rose       | Wells           |
| Buell         | Haughton    | Lewis      | Sage       | West            |
| Chamberlain   | Hawkins     | Lincoln    | Shepardson | Woolsey         |
| Chambers      | A. L. Hayes | G. P. Lord | Smith      | Wyman           |
| Cook          | Herrick     | Loughran   | Smyth      | Yeomans         |
| Couchman      | A. Hill     |            |            |                 |

For the negative

Pell



*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

Mr. Speaker announced the special order, being the "Annual Supply bill," entitled as follows:

"An act making appropriations for certain expenses of government, and for supplying deficiencies in former appropriations."

The House again resolved itself into a committee of the whole on the above entitled bill.

And after some time spent therein, the Speaker resumed the chair, and Mr. Moore, from said committee, reported progress on said bill, and asked and obtained leave to sit again.

Mr. Alvord moved that said bill be made a special order for to-morrow morning immediately after reading the journal.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

By unanimous consent, Mr. Twombly introduced a bill entitled "An act for the relief of the Standard Life Insurance Company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on insurance.

By unanimous consent, Mr. Alvord introduced a bill entitled "An act to authorize the Rondout and Oswego Railroad Company to extend its road and to change its corporate name," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. A. L. Van Dusen, from the committee on engrossed bills, reported as correctly engrossed the bill (passed April 4) entitled as follows:

"An act to confirm the official acts of the trustees of the village of Phelps."

Mr. Woolsey moved that the House now adjourn until to-morrow morning at 10 o'clock.

Mr. Fields moved to strike out the word "ten" and insert the word "eleven."

Mr. Speaker put the question whether the House would agree to said motion of Mr. Fields, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion as amended, and it was determined in the affirmative.

At 10 o'clock and 20 minutes the House adjourned.

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## FRIDAY, APRIL 5, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Van Slyke.

On motion of Mr. Alvord, the reading of the journal of yesterday was dispensed with.

The Senate returned the concurrent resolution proposing an amendment to the Constitution, relative to the pay of members of the Legislature, with a message that they had concurred in the adoption of the same with the following amendments:

Strike out all after the word "concur," in line 1, and insert as follows:

"That section 6 of article 3, and section 6 of article 10, of the Constitution of this State be amended so as to read as follows:

"ARTICLE III.

"§ 6. The members of the Legislature shall each receive an annual salary of one thousand dollars for their services, except in proceedings for impeachment, and ten cents for every mile they shall travel in once going to and returning from their place of meeting by the most usual route. The Speaker of the Assembly shall receive an additional salary of two hundred dollars, but the Legislature shall provide by law for a deduction from the salary of members for non-attendance.

"ARTICLE X.

"§ 6. The political year and legislative term shall begin on the first day of December, and the Legislature shall every year assemble on the first Tuesday, unless a different day be appointed by law."

*Resolved* (if the Senate concur), That the foregoing amendment be referred to the Legislature to be chosen at the next general election of Senators, and that in conformity to section 1, of article 13, of the Constitution, it be published for three months previous to the time of such election.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members present voting in favor thereof.

{ AYES 92 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |            |            |         |                 |
|---------------|------------|------------|---------|-----------------|
| Aitken        | Crandall   | Hollister  | Marcy   | Snyder          |
| Alberger      | Dykeman    | Houghton   | Moore   | Speaker         |
| Alvord        | Enos       | Hungerford | Morton  | Springsted      |
| I. H. Babcock | Fields     | Husted     | Moseley | Squires         |
| Badeau        | Foley      | Hyatt      | Murdock | Swain           |
| Beckwith      | Ford       | Jacobs     | Oakley  | Tobey           |
| Bemus         | Fort       | Judd       | Paige   | M. M. Tompkins  |
| Bennett       | Fowler     | Kennedy    | Pell    | Tucker          |
| Berri         | Goring     | Kilian     | Pierce  | A. L. Van Dusen |
| Blair         | Goss       | Knapp      | Preston | W. J. Van Dusen |
| I. D. Brown   | Green      | Lewis      | Ray     | Wells           |
| Buckley       | Greenhalgh | Lincoln    | Roche   | West            |
| Buell         | Gregory    | Lippitt    | Rose    | Whitbeck        |
| Burritt       | Haight     | G. P. Lord | Sage    | Whitaker        |
| Campbell      | Haughton   | Lott       | Smiley  | Woodward        |
| Chamberlain   | Hawkins    | Loughran   | Smith   | Woolsey         |
| Chambers      | Healy      | Lynde      | Smyth   | Wyman           |
| Cook          | Herrick    | Mackay     | Sniper  | Yeomans         |
| Couchman      | A. Hill    |            |         |                 |

For the negative

Holdridge

*Ordered*, That the Clerk return said resolution to the Senate, with a message informing of concurrence in their amendments.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled as follows:

"An act to provide for the erection of houses of detention or lock-ups in the several towns in the State," which was read the first time, and by

unanimous consent was also read the second time, and referred to the committee on internal affairs.

"An act relating to the examination of candidates for the degree of doctor of medicine," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public education.

Mr. I. D. Brown moved that said bill be referred to the committee on public health.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The Senate returned the bills entitled as follows:

"An act to authorize the city of Rochester to issue its bonds in aid of the Rochester, Nunda and Pennsylvania Railroad Company, and to take the bonds of that company therefor."

"An act to authorize the city of Rochester to issue its bonds in aid of the Lake Ontario Shore Railroad Company, and to take the bonds or stock of that company therefor."

"An act to authorize the city of Rochester to issue its bonds in aid of the Rochester and State Line Railway Company, and to take the bonds of that company therefor."

"An act granting the consent of the State of New York to the purchase, by the United States, of certain lands for the purpose of the erection of a custom-house, court-house or other public buildings for the use of the United States at Albany, and ceding jurisdiction over the same."

*Ordered*, That the Clerk deliver said bills to the Governor.

Mr. Speaker presented the annual report of the Superintendent of the Banking Department, relative to savings banks; which was laid on the table and ordered printed.

(*See Doc. No. 99.*)

Mr. Yeomans called from the table the report of the sub-committee of the whole, in favor of the passage of the bills entitled as follows:

"An act to amend an act entitled 'An act to organize a fire department and board of fire commissioners in the city of Troy,' passed April 13, 1861."

"An act to authorize the common council of the city of Brooklyn to open, grade, pave and complete certain streets in said city."

"An act to amend chapter 402 of the Laws of 1854, being 'An act for the better security of mechanics and others erecting buildings in the counties of Westchester, Oneida, Cortland, Broome, Putnam, Rockland, Orleans, Niagara, Livingston, Otsego, Lewis, Orange and Dutchess,' passed April 17, 1854, extending the provisions thereof, and of all acts amendatory thereof to the county of Erie, excepting the city of Buffalo."

Senate, "An act to incorporate the Psi Chapter of the Psi Upsilon Fraternity, in the village of Clinton, in the county of Oneida, in the State of New York."

"An act revising, amending and consolidating the charter of and the several acts relating to the village of Geneseo, in the county of Livingston, modifying the powers of the corporation, and the duties of its officers." [With amendments.]

"An act to legalize the election of trustees and other corporation officers of the village of Fonda."

"An act to amend an act entitled 'An act to incorporate the city of Rome,' passed February 23, 1870." [With amendments.]



"An act to authorize the lighting of public streets and avenues in the town of Fishkill, in the county of Dutchess." [With amendments.]

"An act to repeal an act entitled 'An act authorizing the commissioners of highways of Germantown, in the county of Columbia, to lay out roads of a certain width,' passed April 2, 1827."

"An act to amend chapter 190 of the Laws of 1860, entitled 'An act to extend to Oliver A. Field the right to establish and maintain a ferry across the Hudson river,' passed April 6, 1860."

"An act for the improvement of First street and Kent avenue, in the city of Brooklyn." [With amendments.]

"An act to amend an act entitled 'An act to prevent the unlawful taking of oysters planted within the waters of the State of New York,' passed April 21, 1866." [With amendment.]

"An act to authorize the Rondout and Kingston Gas Light Company to issue bonds for certain purposes." [With amendment.]

"An act to incorporate the Young Men's Universalist Association of the city of New York." [With amendment.]

"An act to authorize the Pelham and Port Chester Railroad Company to cross such arms of the sea, bays, inlets or navigable streams as may be found necessary to build said road, and to build draw-bridges over the same."

"An act to authorize the commissioners of highways of the towns of Guilderland and New Scotland, in the county of Albany, to lay out and open a certain highway extending in said towns of the width of two rods." [With amendments.]

"An act to amend an act entitled 'An act to authorize the common council of the city of Binghamton to borrow money for the purpose of purchasing a site for a high school, and erecting and furnishing a building thereon.'" [With amendment.]

"An act to provide for raising by tax on the taxable property in the town of Kingsbury, Washington county, money to be applied toward the construction of a new court-house in the village of Sandy Hill, in said town." [With amendment.]

"An act requiring the New York Central and Hudson River Railroad Company to change the names of certain stations upon the line of their railroad."

"An act to provide for the repayment of certain moneys paid to the commissioners of Mamaroneck avenue, in Westchester county."

"An act to amend an act entitled 'An act in relation to the receiver of taxes for the town of Morrisania,' passed April 28, 1870." [With amendments.]

"An act to revise, amend and consolidate the several acts in relation to the charter of the city of Hudson." [With amendments.]

Mr. M. M. Tompkins moved to recommit said bill to the committee on the affairs of cities, to retain its place on general orders.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

"An act for the protection of livery stable keepers, and keepers of horses at riding academies." [With amendments.]

"An act to confirm a deed from the consistory of the Reformed Dutch Church of Poughkeepsie to the consistory of the Second Reformed Dutch Church of Poughkeepsie."

"An act to prevent the taking of fish from Loon lake, in the town of Wayland, Steuben county."

"An act to amend an act entitled 'An act to provide for the improvement of Grass river, and of the water-power thereon, and to check freshets therein.' [With amendments.]

"An act for the suppression of the sale of prize packages."

Mr. Speaker put the question whether the House would agree to the report of the committee, and it was determined in the affirmative.

*Ordered*, That said bills be engrossed for a third reading.

By unanimous consent,

Mr. Lewis, from the committee on railroads, to which was referred the bill entitled "An act to authorize the construction of a street railroad in Tenth and other streets in New York city," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Burns, from the committee on railroads, to which was referred the bill entitled "An act to incorporate the Staten Island and New Jersey Suspension Bridge and Railroad Company, for the purpose of maintaining and constructing suspension bridges, appurtenances and approaches to the same over the Kill Von Kull at a point or points between the village of New Brighton, Richmond county, and at a point or points at or near about Constables' Point in the State of New Jersey, and at a point or points over Arthur Kill or Staten Island Sound, between the town of Westfield, Richmond county, and Middlesex county in the State of New Jersey, and also for the purpose of constructing and maintaining a railroad over and across said bridges and to and through the center of Staten Island, Richmond county to and from the points above named," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Lewis, from the committee on railroads, to which was referred the bill entitled "An act to incorporate the Palmer Elevated Railway Company," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Lewis, from the committee on railroads, to which was referred the bill entitled "An act to incorporate the Gilbert Elevated Railway Company, and to provide a feasible, safe and speedy system of rapid transit through the city of New York," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Fields moved that said bill be made a special order for next Wednesday evening, and that a session be held at that time for that purpose.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

By unanimous consent,

Mr. Lewis, from the committee on railroads, to which was referred the bill entitled "An act to incorporate the New York Elevated Arched Railway Company for the purpose of providing rapid transit through the city and county of New York, and to provide for the construction of a railway therefor," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.



By unanimous consent,

Mr. Lewis, from the committee on railroads, to which was referred the bill entitled "An act relating to the Newtown Railway Company," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Lewis, from the committee on railroads, to which was referred the Senate bill entitled "An act to authorize the transportation of passengers in the city of New York, by means of street railways to be constructed through certain streets and avenues therein," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Lewis, from the committee on railroads, to which was referred the Senate bill entitled "An act to authorize the Bleecker Street and Fulton Ferry Railroad Company, of the city of New York, to extend their railroad tracks through certain streets and avenues in the city of New York," reported in favor of the passage of the same, with amendments; which report was agreed to and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Lewis, from the committee on railroads, to which was referred the Senate bill entitled "An act to authorize the consolidation of the Rochester, Nunda and Pennsylvania railroad, with certain other railroads," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Burns, from the committee on railroads, to which was referred the bill entitled "An act to provide better accommodations for passengers on the Third Avenue railroad, in the city of New York," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. Burns, from the committee on railroads, to which was referred the bill entitled "An act to extend the operation of chapter 917 of the Laws of 1869, entitled 'An act to authorize the consolidation of certain railroad companies,'" reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. Lewis, from the committee on railroads, to which was referred the bill entitled "An act to authorize the construction of a railway on Twenty-third street and other streets and avenues in the city of New York," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. Burns, from the committee on railroads, to which was referred the bill entitled "An act to authorize the election of railroad commissioner in the town of Richland, Oswego county," reported adversely thereto; which report was agreed to.

By unanimous consent,

Mr. Burns, from the committee on railroads, to which was referred the bill entitled "An act to provide for the safety of life and property; and to regulate the liability of railroad companies to servants and employes," reported adversely thereto; which report was agreed to.

By unanimous consent,

Mr. Burns, from the committee on railroads, to which was referred the bill entitled "An act to authorize the Bleecker Street and Fulton Ferry



Railroad Company, of the city of New York, to extend their railroad tracks through certain streets and avenues in the city of New York," returned the same, being identical with Senate bill, introduction No. 169, already favorably reported.

By unanimous consent,

Mr. Fort, from the committee on canals, reported a bill entitled "An act to authorize a tax of      mill per dollar of valuation of the year 1872, for the construction of new work upon and extraordinary repairs of the canals of this State," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Fort moved that said bill be made a special order for next Wednesday morning immediately after reading the journal, and be immediately printed.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

By unanimous consent,

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act to provide for the construction of a canal bridge over the Erie canal at Madison street, in the city of Rome," reported adversely thereto, as a similar bill has passed the Senate and has been reported favorably to this House; which report was agreed to.

By unanimous consent,

Mr. Fort, from the committee on canals, to which was referred the petitions of citizens of Cohoes praying for an act to establish a police force along the sixteen locks on the Erie canal in Cohoes, Albany county," reported adversely thereto; which report was agreed to.

By unanimous consent,

Mr. Fort, from the committee on canals, to which was referred the bill entitled "An act to amend an act entitled 'An act to provide for the construction of a fish-way in the Mohawk river, at the Mohawk river near the city of Schenectady,'" reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. Fort, from the committee on canals, to which was referred the Senate bill entitled "An act to provide for the construction of a canal bridge over the Erie canal at Madison street in the city of Rome," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Fort, from the committee on canals, to which was referred the Senate bill entitled "An act for the improvement of the navigation of the Cayuga and Seneca canal," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Chambers, from the committee on railroads, to which was referred the bill entitled "An act in relation to the use, by the New York and Harlem Railroad Company, of the Fourth avenue and streets intersecting the same above Forty-second street, in the city of New York," reported in favor of the passage of the same, with substituted bill as amendment, and the title amended so as to read "An act to improve and regulate the

use of the Fourth avenue, in the city of New York," which report was agreed to, and said bill committed to the committee of the whole.

Mr. Whitbeck dissented from said report.

Mr. Husted moved that said bill be made a special order for Wednesday morning next immediately after the consideration of the special order previously ordered.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

By unanimous consent,

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act extending the jurisdiction of the park commissioners of the city of Buffalo," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the taking of certain lands in the city of Buffalo for the purpose of an avenue leading from the parade park southerly to Seneca street," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to establish a board of police and fire commissioners for the city of Utica," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act repealing an act entitled 'An act for the appointment of commissioners of records for the city and county of New York, passed April 13, 1855,' and providing for the sale and disposition of the indices, records, documents and property held by said commissioners under said act," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to widen part of Nevins street in the city of Brooklyn," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to revise the charter of the city of Buffalo,' passed April 28, 1870," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to alter the commissioners' map of the city of Brooklyn," reported in favor of the passage of the same; which

report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the common council of the city of Utica to borrow and disburse money for city purposes and levy and collect a tax to pay the same," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to amend an act entitled 'An act to supply the city of Binghamton with pure and wholesome water,' passed April 25, 1867, and the acts amendatory thereof," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to confirm an assessment for the expense of paving Broad street, in the city of Utica," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to authorize the city of Buffalo and the board of supervisors of Erie county to grant and convey to the Union Hotel Company certain lands in the city of Buffalo," reported in favor of the passage of the same with amendments, and the title amended so as to read "An act to authorize the city of Buffalo and the board of supervisors of Erie county to grant and convey certain lands in the city of Buffalo," which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the Senate bill entitled "An act to repeal an act entitled 'An act to provide a further supply of pure and wholesome water for the city of New York,' passed February 27, 1871; and also an act entitled 'An act to re-enact and amend an act entitled An act to provide a further supply of pure and wholesome water for the city of New York,' passed April 6, 1871," reported in favor of the passage of the same with an amendment; which report was agreed to and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Hawkins, from the committee on the affairs of cities, to which was recommitted the bill entitled "An act making an appropriation for Sarah Wyatt, widow of Samuel Wyatt," reported in favor of concurring in the amendments of the Senate, with a further amendment by adding after the word "dollars" the words "which amount shall be provided for in the tax levy of 1872;" which report was agreed to.

By unanimous consent,

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the Senate bill entitled "An act to provide for the appointment of the overseer of the poor in the city of Utica," reported adversely thereto; which report was agreed to.



By unanimous consent,

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the Senate bill entitled "An act to alter the map or plan of the city of New York by extending Desbrosses street," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to regulate and grade Forty-third street from Second to Third avenues in the city of New York, and to regulate the assessment for such improvement," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to widen and improve a portion of Fifteenth street in the city of Brooklyn," reported adversely thereto, which report was agreed to.

By unanimous consent,

Mr. Hawkins, from the committee on the affairs of cities, to which was referred the bill entitled "An act to widen, open, grade and pave Baltic street in the city of Brooklyn, from Nostrand avenue to Franklin avenue," reported adversely thereto, which report was agreed to.

Mr. Smyth, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act to repeal section 10, chapter 574, Laws of 1871, entitled 'An act to amend an act entitled 'An act to reorganize the local government of the city of New York,' passed April 5, 1870, passed April 18, 1871.'"

"An act to authorize the trustees of the village of Andes, in Delaware county, to proceed to protect said village from the effect of high water, and to raise money to pay for the same; also to amend chapter 731 of Laws of 1865, in relation thereto."

"An act to amend an act entitled 'An act to extend the powers of boards of supervisors, except in the counties of New York and Kings,' passed May '11, 1869."

"An act to appropriate money for the building of a bridge over the Cayuga Inlet, in the village of Ithaca."

"An act to amend the act entitled 'An act to provide for laying out and improving roads and avenues in the village and town of Saratoga Springs,' passed May 5, 1870."

"An act to amend an act entitled 'An act to incorporate the Buffalo East Side Street Railway Company,' passed May 10, 1870."

"An act to ascertain by proper proofs who are entitled to vote upon certificates of naturalization, purporting to have been issued within the city and county of New York by the supreme court during the month of October, in the year 1868, and by the superior court during the months of September and October of said year."

"An act in relation to the East and West Martinsburgh burial-grounds."

"An act to amend section 2 of chapter 890 of the Laws of 1868, entitled 'An act to authorize Lewis Runyon to establish and maintain a ferry across Seneca lake, at Lodi landing.'"

"An act authorizing John Rosekrans, of Wayland, in the county of Steuben, to remove the remains of certain persons, buried on his premises, to the Wayland cemetery, in said town."

"An act to provide for the improvement of the highways extending from Lansing street, Genesee street and Caroline avenue, in the village of West Troy, to the Loudon road in the town of Watervliet (highways lying in part in the town of Watervliet, and in part in the village of West Troy), and to authorize the board of supervisors of the county of Albany to assess the expense thereof upon the said town."

"An act to erect an armory in Greenpoint, seventeenth ward, in the city of Brooklyn."

"An act for the relief of Thomas O'Brien."

"An act concerning certain female habitual drunkards, vagrants and prostitutes in the city of Brooklyn and county of Kings."

"An act to amend an act entitled 'An act to incorporate the Elmira Park Association,' passed April 13, 1871."

"An act to amend an act entitled 'An act to enable non-resident guardians to obtain property in this State belonging to their wards residing in other States or territories of the United States,' passed March 10, 1870, and to extend the provisions of said act so as to apply to non-resident trustees and beneficiaries under the trust."

"An act in relation to mechanics' liens."

"An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Lansingburgh,' passed April 16, 1864."

"An act to authorize the county clerk of Montgomery county to sign the certificates of record of deeds and mortgages and other records, or of filing of papers recorded or filed in the Montgomery county clerk's office, which were not signed by the former clerk of said county of Montgomery."

"An act to repeal chapter 287, of the Laws passed April 4, 1871, being 'An act to amend the law for the assessment and collection of taxes in the cases where farms or lots are divided by county lines.'"

"An act to amend an act entitled 'An act to incorporate the New York City Central Underground Railway company, and to authorize the said company to construct and operate a certain underground railway in the city of New York,' passed April 17, 1868, being chapter 230 of the Laws of 1868, and the act amending the same, passed May 11, 1869, being chapter 824 of the Laws of 1869."

By unanimous consent,

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend an act relating to building bridges in the village of Niagara Falls, passed April 27, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to repeal chapter 537 of the Laws of 1868, relating to the Newburgh and Cohecton Turnpike Company," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to provide for the improvement of a certain highway in the town of Newtown, Queens county, and the city of Brooklyn, Kings county, and for payment for property taken for such

improvement," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act regulating the payment of highway taxes by railroad corporations, and to increase the powers and duties of commissioners of highways," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Badeau, from the committee on roads and bridges, to which was referred the Senate bill entitled "An act authorizing the board of supervisors of the county of Westchester, to investigate the acts and proceedings of certain boards of commissioners for making or extending highways," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Badeau, from the committee on roads and bridges, to which was referred the Senate bill entitled "An act to legalize the vote of the electors of the town of Boonville, Oneida county, to raise money to improve certain roads in said town," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Badeau, from the committee on roads and bridges, to which was referred the Senate bill entitled "An act to incorporate the Oswegatchie Bridge Company," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

On motion of Mr. Moore, said bill was substituted for Assembly bill on same subject.

By unanimous consent,

Mr. Badeau, from the committee on roads and bridges, to which was referred the Senate bill entitled "An act to confirm proceedings under chapter 905 of the Laws of 1869, and chapter 750 of the Laws of 1870, relative to laying out a public highway in the towns of Jamaica and Newtown, Queens county," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Badeau, from the committee on roads and bridges, to which was referred the Senate bill entitled "An act to provide for examining and auditing the accounts of certain commissioners for making, improving or extending certain roads in the town of Yonkers," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent, Mr. Moseley offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That this House at 2 o'clock p. m. take a recess until half-past seven this evening, and that a session at that time be held for the consideration of general orders only.

Mr. Alvord moved to amend by adding at the end thereof the words, "and that hereafter the sessions of this House commence each day at 10



o'clock A. M., and a recess be taken at 2 o'clock P. M., and convene at 7½ o'clock on every evening except Saturday."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Jacobs then moved to amend by adding after the words "each day" the words "except Monday."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said resolution, as amended, and it was determined in the affirmative.

By unanimous consent,

Mr. Squires, from the committee on banks, to which was recommitted the bill entitled "An act to incorporate the New York Loan and Security Bank," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole, retaining its place on general orders.

By unanimous consent,

Mr. Beckwith, from the committee on State charitable institutions, to which was referred the bill entitled "An act in relation to the board of State commissioners of public charities," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Knapp, from the committee on petitions of aliens, to which was referred the petition of John Leitz, praying for relief, reported by a bill entitled "An act to release the interest of the people of the State of New York in certain lands to John Leitz," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

By unanimous consent,

Mr. Knapp, from the committee on petitions of aliens, to which was referred the bill entitled "An act to release the interest of the State in certain lands to A. C. O'Brien," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Lippitt, from the committee on insurance, to which was referred the Senate bill entitled "An act to amend the charter of the Reserve Mutual Life Insurance Company," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Pierce, from the committee on the affairs of villages, to which was recommitted the bill entitled "An act to amend an act entitled 'An act to amend, consolidate and re-enact an act entitled An act act to incorporate the village of Edgewater, passed March 22, 1866,' and an act amending the same, passed April 22, 1867, and to extend the powers of the corporation, passed May 5, 1870," reported in favor of the passage of the same, with amendments; which report was agreed to, and said bill committed to the committee of the whole, retaining its place on general orders.

By unanimous consent,

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend the act to incorporate the village of Savannah, Wayne county, passed April 15, 1867," reported in

favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of whole.

By unanimous consent,

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to amend an act entitled An act to amend an act entitled An act to amend an act entitled An act to incorporate the village of Flushing,' passed April 15, 1837, and the several acts amendatory thereof, passed March 20, 1857, passed May 3, 1869, passed May 7, 1870," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to incorporate the fire department of the village of Watkins," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend the act entitled 'An act to amend the act entitled An act to provide for the incorporation of villages, passed December 7, 1847, so far as relates to the village of Valatie, in the county of Columbia,' passed April 6, 1860," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to amend section 2 of chapter 203 of Laws of 1863, relating to the village of Niagara City, in the county of Niagara," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to provide the village of Lansingburgh, in the county of Rensselaer, with a supply of pure and wholesome water," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Pierce, from the committee on the affairs of villages, to which was referred the Senate bill entitled "An act revising, amending and consolidating the charter of, and the several acts relating to the village of Geneseo, in the county of Livingston, modifying the powers of the corporation and the duties of its officers," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Pierce, from the committee on affairs of villages, to which was referred the Senate bill entitled "An act to amend an act passed April 9, 1867, entitled 'An act to amend and consolidate the several acts relating to the village of Hornellsville,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent,

Mr. Pierce, from the committee on the affairs of villages, to which was referred the Senate bill entitled "An act to authorize the village of Herkimer to improve the public road leading from said village to Middleville, in Herkimer county, by repairing and macadamizing the same, and raise money to make such improvement," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

By unanimous consent, Mr. Alberger offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That there be printed four hundred copies of the Auditor's report on tolls, trade and tonnage of the canals; also, two hundred and fifty copies of the expenditures of the Canal Department, for the use of the Canal Department.

*Ordered*, That said resolution be referred to the committee on public printing.

By unanimous consent, Mr. Alberger offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That there be printed two thousand copies of the annual report of the Canal Commissioners for the fiscal year ending September 30, 1871, for the use of said Commissioners, and that one thousand copies of said report be bound.

*Ordered*, That said resolution be referred to the committee on public printing.

By unanimous consent, Mr. I. D. Brown offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That there be printed, for the use of the Superintendent of the Banking Department, for distribution by him to savings banks, 2,500 copies of the report on savings banks, and 500 copies for the members of the House.

*Ordered*, That said resolution be referred to the committee on public printing.

Pursuant to the 9th joint rule, Mr. Speaker announced the order of business of third reading of bills.

Mr. Alvord moved that said order of business lay on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Speaker then announced the special order, being the annual supply bill.

The House again resolved itself into a committee of the whole, and after some time spent therein, the hour of 2 o'clock having arrived, the committee arose, and pending the question upon the report of the chairman, Mr. Moore, Mr. Alvord moved that the session be extended for half an hour.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Alvord then moved that the House, in committee of the whole, proceed to the further consideration of the supply bill.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

The House again resolved itself into a committee of the whole on the bill entitled as follows:



"An act making appropriations for certain expenses of government, and for supplying deficiencies in former appropriations."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Moore, from said committee, reported progress on said bill, and asked leave to sit again.

Mr. Alvord moved to discharge the committee of the whole from the further consideration of said bill, and that said bill be ordered engrossed for a third reading.

On that motion Mr. Husted moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Alvord, and it was determined in the affirmative.

*Ordered*, That said bill be engrossed for a third reading.

On motion of Mr. Alvord, said bill, as amended, was ordered printed immediately.

At 2 o'clock and 30 minutes, the House took a recess until 7½ o'clock.

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### HALF-PAST SEVEN O'CLOCK P. M.

The House again met.

Mr. Rose presented the report of the sub-committee of the whole; which was laid on the table and ordered printed.

(See *Doc. No.* 135.)

On motion of Mr. Alvord, the bill entitled "An act to enable the electors the town of Wilna, in the county of Jefferson, to vote by districts for town officers," was recommitted to the committee on internal affairs.

The House again resolved itself into a committee of the whole on the bills entitled as follows :

"An act to amend chapter 907, of the Laws of 1869, and chapter 925, of the Laws of 1871, relating to the bonding of municipal corporations to aid in the construction of railroads."

"An act in relation to the rate of interest upon money, and providing penalties for reserving or receiving unlawful interest."

"An act to repeal chapter 247 of the Laws of 1868, entitled 'An act to incorporate the Metropolitan Boat Club of the city of New York.'"

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Shepardson, from said committee, reported progress on the first mentioned bill, and asked leave to sit again.

The question being upon granting leave,

Mr. Alvord moved to recommit said bill to the committee on railroads, with instructions to strike out the enacting clause.

Mr. I. H. Babcock moved to amend the motion of Mr. Alvord by striking out all after the word "railroad" and inserting the words "for amendment."

Mr. Speaker put the question whether the House would agree to said motion of Mr. I. H. Babcock, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Alvord, and it was determined in the negative.

The question being on agreeing to said report,

Mr. Fort moved to refer said bill to the committee on railroads.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Shepardson, from said committee, also reported progress on said second mentioned bill, and asked leave to sit again.

The question being upon granting leave,

Mr. D. B. Hill moved to discharge the committee of the whole from the further consideration of said bill, and that the same be ordered engrossed for a third reading.

Mr. Husted moved to recommit said bill to the committee on the judiciary, with instructions to strike out the enacting clause, and on that motion moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion to recommit, and it was determined in the affirmative.

{ AYES 50 }  
{ NOES 41 }

Those who voted in the affirmative, were

|             |          |             |            |                 |
|-------------|----------|-------------|------------|-----------------|
| Aitken      | Chambers | Haughton    | Lewis      | Smyth           |
| Baltz       | Cook     | Hawkins     | Lincoln    | Sniper          |
| Bemus       | Couchman | A. L. Hayes | Lippitt    | Speaker         |
| Bennett     | Dunphy   | J. Hayes    | G. P. Lord | Tucker          |
| E. E. Brown | Dykeman  | Healy       | Mackay     | A. L. Van Dusen |
| I. D. Brown | Foley    | A. Hill     | Moseley    | Wells           |
| Burritt     | Fort     | Hungerford  | Pierce     | Whitaker        |
| Campbell    | Goring   | Husted      | Roche      | Wiley           |
| Carroll     | Goss     | Kennedy     | Sage       | Wyman           |
| Chamberlain | Gregory  | Knapp       | Shepardson | Yeomans         |

Those who voted in the negative, were

|               |            |           |            |                 |
|---------------|------------|-----------|------------|-----------------|
| Alberger      | Buell      | Holdridge | Moore      | Squires         |
| Alvord        | Ford       | Hollister | Murdock    | Strahan         |
| D. L. Babcock | Fowler     | Houghton  | Pell       | Swain           |
| I. H. Babcock | Geib       | Hyatt     | Preston    | Tobey           |
| Badeau        | Green      | Judd      | Ray        | Twombly         |
| Beckwith      | Hart       | Kingsland | Smiley     | W. J. Van Dusen |
| Berri         | Herrick    | Lott      | Smith      | Whitbeck        |
| Blair         | D. B. Hill | Lynde     | Springsted | Woolsey         |
| Buckley       |            |           |            |                 |

Mr. Shepardson, from said committee, also reported in favor of the passage of said third mentioned bill; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Alvord moved that the special order be laid on the table for the purpose of taking from the table the veto message of the Governor upon the bill known as the "Albany police bill."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Springsted then moved to take from the table said message in words following:

EXECUTIVE CHAMBER,  
ALBANY, April 3, 1872. }

*To the Assembly:*

I return, without approval, Assembly bill No. 430, entitled "An act to amend title 12 of the charter of the city of Albany, entitled 'The Police Department,' passed March 16, 1870."

Among the very earliest of the bills presented to me for approval, after I had come into office, was one relating to the police of the city of Syracuse, being now chapter 17 of the Laws of 1869. This bill was modeled after a law which I found upon the statute book in relation to the police of the city of Utica, chapter 414 of the Laws of 1867. In both cases there were four commissioners of police, whose term of office was four years, but divided into two classes, so that half of them went out every two years, and who were to be chosen in the same mode as provided in the present bill, that is to say, every elector was entitled to vote for only one commissioner, the one having the majority of votes to be declared elected, and the one having the next highest number of votes to be appointed by the common council. The general provisions of both bills were well guarded, and the police commissioners were in each case made removable for cause in the same manner as sheriffs. In 1870 the law of 1867, applicable to Utica, was repealed. In Syracuse the law of 1869 is still in force. With more consideration of the principle involved in the Syracuse bill, and with the experience of to-day, I would not have given it my approval. The method adopted for the selection of the commissioners in that bill, and in the bill now under consideration, while it, seemingly, gives the election to the people, is, in fact, simply a designation by party caucuses or conventions, and the supposed ratification thereof by the people is a form and nothing more.

It is only on very rare occasions that, even in municipal elections, more than two tickets are before the people, between which to choose, to wit, the tickets nominated by the organizations representing the two great parties. If four persons are to be designated for certain offices, and every elector is restricted to voting for only two of the four, the people, in fact, can make no choice. The nominations made by the respective conventions of the two great parties are, under such a state of facts, conclusive. This method has been tried, on a larger scale, in the designation of the late board of supervisors for the county of New York. It has recently been given up there with general consent.

The bill now before me is more objectionable than those to which I have already referred, relating to Utica and Syracuse. In this bill four commissioners are to be designated, at the municipal election now soon to occur, in the manner already described who are all to hold office for four years. They are during this period to have the sole and absolute control of the police, and no matter how they may use this great power or abuse it, no provision is made for calling them to account or for removing them or any of them, however pressing may be the need of applying a corrective. For a period of four years the whole power of the police is to be in the hands of men designated by nominating caucuses or conventions, not elected by the people of the city nor appointed by any public authorities and subject to no correcting power in case of misconduct or malfeasance in office.

The extraordinary provision of the bill now under consideration for the filling of vacancies among the commissioners might lead to very inconvenient results. It is, that in case of a vacancy occurring, the member of the commission who shall be "of the same political party" as that of the person whose place has become vacant, shall nominate three persons and the members of the commission shall, within two weeks thereafter, choose one of these three to succeed to the vacant position, and "it shall require the votes of all the remaining members for a choice." In the meantime and until the vacancy be filled the commissioners "are



prohibited from making any removals from or appointments to the police force." This puts it in the power of one member, by refusing to agree to an appointment for filling the vacancy, to deprive the commissioners of the power of enforcing necessary discipline among the members of the force for an indefinite period.

This provision, moreover, would be liable to great uncertainty in its construction. It is by no means impossible that in a period of four years the political associations of some of the members of the commission might be changed, and so there might be no one qualified to make a nomination, or a serious dispute might arise as to which one of the commissioners would be entitled to make it. In this case or in case of an irreconcilable difference of opinion in regard to filling a vacancy, the affairs of the department would remain in confusion until the Legislature could be convened."

The main objections are, however, that the commissioners are to be subject during their long terms of office, to no responsibility to superior authority for misconduct, and that they are to be designated in fact by party conventions, instead of being elected by the people or appointed by some local authority.

In the efforts to obtain non-partisan boards or commissioners for certain public duties, we may go so far as to set aside altogether responsible government. For the acts of a board of police appointed as this bill provides, neither the mayor nor the common council of the city would be in any degree responsible, nor could either of the great political parties be held answerable. The commissioners would be acting under no sense of responsibility to the people, nor of accountability to the public authorities of the city or State; the only penalty hanging over them for misconduct would be the possible displeasure of the nominating conventions of their respective parties at the distant period of the expiration of their term of four years, or the possible intervention of the Legislature by a repeal of the law and the abolition of their offices.

I feel confident that, on reconsideration of this bill, the Legislature will agree with me that intrusting power to public officers, unaccompanied by an accountability clear, distinct and capable of prompt enforcement, is dangerous to good government.

JOHN T. HOFFMAN.

Mr. Speaker put the question whether the House would agree to said motion to take from the table, and it was determined in the affirmative.

The question then being "Shall this bill pass, notwithstanding the objections of the Governor?"

On that question Mr. Alvord moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

The message was then read, when

Mr. Speaker put the question, "Shall this bill be passed notwithstanding the objections of the Governor?" and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

{ AYES 68 }  
{ NOES 25 }

Those who voted in the affirmative, were

|               |      |            |         |            |
|---------------|------|------------|---------|------------|
| Alberger      | Enos | Hungerford | Moore   | Springsted |
| Alvord        | Ford | Husted     | Murdock | Squires    |
| D. L. Babcock | Fort | Hyatt      | Pell    | Strahan    |

|               |           |            |            |                 |
|---------------|-----------|------------|------------|-----------------|
| I. H. Babcock | Fowler    | Judd       | Pierce     | Swain           |
| Badeau        | Geib      | Kennedy    | Preston    | Tobey           |
| Baltz         | Goring    | Kingsland  | Sage       | Tucker          |
| Beckwith      | Goss      | Knapp      | Shepardson | Twombly         |
| Bemus         | Green     | Lewis      | Smiley     | A. L. Van Dusen |
| Bennett       | Gregory   | Lincoln    | Smith      | W. J. Van Dusen |
| Berri         | Hawkins   | Lippitt    | Smyth      | Wells           |
| E. E. Brown   | Herrick   | G. P. Lord | Sniper     | Woolsey         |
| I. D. Brown   | Holdridge | Lott       | Snyder     | Wyman           |
| Burritt       | Hollister | Lynde      | Speaker    | Yeomans         |
| Dykeman       | Houghton  | Mackay     |            |                 |

Those who voted in the negative, were

|          |             |          |            |          |
|----------|-------------|----------|------------|----------|
| Aitken   | Carroll     | Dunphy   | Healy      | Paige    |
| Blair    | Chamberlain | Foley    | A. Hill    | Ray      |
| Buckley  | Chambers    | Hart     | D. B. Hill | Roche    |
| Buell    | Cook        | Haughton | Moseley    | Whitbeck |
| Campbell | Couchman    | J. Hayes | Oakley     | Wiley    |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein, notwithstanding the objections of the Governor.

Mr. Bennett offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That Assembly bill No. 530, general order 605, entitled "An act to authorize the South Side Railroad Company of Long Island to build or purchase branches, extend its main line, and to purchase the stock of the New York and Flushing Railroad Company, the Far Rockaway Branch Railroad Company and Rockaway Railway Company of Queens county, New York, and of the Hunter's Point and South Side Railroad Company, also of Queens county, New York, and to consolidate the said companies, or any two or more of them, into one corporation, and also to use steam dummies," be referred to the first committee of the whole.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative, two-thirds of all the members present not voting in favor thereof.

Mr. Moseley offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That Senate bill, printed No. 236, general order 879, entitled "An act to authorize the Second Avenue Railroad Company, in the city of New York, to extend their track and operate the same," be considered in the first committee of the whole.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative, two-thirds of all the members present not voting in favor thereof.

Mr. Campbell moved that when the House adjourn it be to meet on Monday evening next, at 7½ o'clock.

Said motion giving rise to debate,

*Ordered*, That the same be laid on the table.

Mr. Moseley moved that in committee of the whole, no member be allowed to speak more than five minutes nor more than twice upon the same subject.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to amend an act entitled 'An act to amend article 2, title 5, chapter 6, part 3 of the Revised Statutes, entitled of executions against property,' passed May 2, 1835."

"An act to amend an act entitled 'An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same,' passed April 17, 1854."

"An act to declare the day for holding the general State election a public holiday."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Campbell, from said committee, reported in favor of the passage of said first and third mentioned bills, the first mentioned with amendments; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Campbell, from said committee, also reported progress on said second mentioned bill, and asked leave to sit again.

The question being upon granting leave,

Mr. Berri moved to disagree with the report of the committee of the whole, and that said bill be ordered engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Foley offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That Assembly bill No. 618, general order 708, entitled "An act to amend, extend and continue an act entitled 'An act to incorporate the Bankers' Life Insurance and Trust Company of New York,' passed May 6, 1870," be considered in the next committee of the whole.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative, two-thirds of all the members present not voting in favor thereof.

Mr. Husted, from the committee on local and special laws, to which was referred the bill entitled "An act to incorporate the Quincy Rural Cemetery Association in the county of Chautauqua," reported the same back to the House, with a recommendation that said bill be recommitted to Mr. Bemus, the gentleman introducing it, for amendment, for the reason that said bill contains three separate and distinct provisions under one title; which report was agreed to.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to amend an act entitled 'An act to incorporate the Industrial Exhibition Company, and to authorize said company to purchase real estate in the city of New York, and to erect a building or buildings which shall be used as an industrial exhibition,' passed April 21, 1870."

"An act to amend an act entitled "An act to authorize the formation of railroad corporations, and to regulate the same,' passed April 2, 1850."

"An act relative to the Hudson Suspension Bridge and New England Railway Company, and authorizing the extension of its road."

And after some time spent therein Mr. Speaker resumed the chair, and Mr. Moseley, from said committee, reported progress on said first mentioned bill, and asked leave to sit again.

The question being upon granting leave,

On motion of Mr. Alvord, the committee of the whole was discharged from the further consideration of said bill, and the same was ordered engrossed for a third reading.



Mr. Moseley, from said committee, also reported in favor of the passage of said second and third mentioned bills, the third mentioned with an amendment; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Blair moved that the House do now adjourn, to meet on Monday evening at 7½ o'clock.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Squires moved that the House do now adjourn.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

And at 10 o'clock and 30 minutes, the House adjourned.

## SATURDAY, APRIL 6, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Van Slyke.

On motion of Mr. Fort, the reading of the journal of yesterday was dispensed with.

Mr. Fort moved that all orders of business, except "reports of committees," "introduction of bills," and "general orders," be laid on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Speaker presented a communication from the county clerk of New York, in words following :

COUNTY CLERK'S OFFICE,  
NEW YORK, April 4, 1872. }

HON. HENRY SMITH, *Speaker of the Assembly, Albany, N. Y.* :

DEAR SIR.—I beg to transmit herewith another batch of papers called for by the resolution of your honorable body, introduced by the Hon. Thomas C. Fields.

The preparation of these returns has occupied the exclusive attention of the available force of my office for nearly two weeks, and necessitated the actual examination of the papers filed since January 1st, 1869, a work requiring extreme carefulness and which could only be done by clerks familiar with the composition of judgment rolls, decrees and law papers generally; and I most respectfully suggest that in order to enable me to finish properly the returns called for, it will be necessary to have a further extension of time. In the mean time I will forward to your honorable body weekly the result of my labors until the same shall be completed.

Very respectfully yours,

CHAS. E. LOEW, *County Clerk.*

On motion of Mr. Mackay ten days further time was granted.

Mr. Lott, from the committee on engrossed bills, reported as correctly engrossed the bills entitled as follows :

"An act to amend an act entitled 'An act to organize a fire department and board of fire commissioners in the city of Troy,' passed April 13, 1861."

"An act to authorize the common council of the city of Brooklyn to open, grade, pave and complete certain streets in said city."

"An act to amend chapter 402 of the Laws of 1854, being 'An act for the better security of mechanics and others erecting buildings in the counties of Westchester, Oneida, Cortland, Broome, Putnam, Rockland, Orleans, Niagara, Livingston, Otsego, Lewis, Orange and Dutchess,' passed April 17, 1854, extending the provisions thereof, and of all acts amendatory thereof to the county of Erie, excepting the city of Buffalo."

"An act revising, amending and consolidating the charter of and the several acts relating to the village of Geneseo, in the county of Livingston, modifying the powers of the corporation, and the duties of its officers."

"An act to legalize the election of trustees and other corporation officers of the village of Fonda."

"An act to amend an act entitled 'An act to incorporate the city of Rome,' passed February 23, 1870."

"An act to authorize the lighting of public streets and avenues in the town of Fishkill, in the county of Dutchess."

"An act to repeal an act entitled 'An act authorizing the commissioners of highways of Germantown, in the county of Columbia, to lay out roads of a certain width,' passed April 2, 1827."

"An act for the improvement of First street and Kent avenue, in the city of Brooklyn."

"An act to amend an act entitled 'An act to prevent the unlawful taking of oysters planted within the waters of the State of New York,' passed April 21, 1866."

"An act to incorporate the Young Men's Universalist Association of the city of New York."

"An act to authorize the Pelham and Port Chester Railroad Company to cross such arms of the sea, bays, inlets or navigable streams as may be found necessary to build said road, and to build draw-bridges over the same."

"An act to authorize the commissioners of highways of the towns of Guilderland and New Scotland, in the county of Albany, to lay out and open a certain highway extending in said towns of the width of two rods."

"An act to amend an act entitled 'An act to authorize the common council of the city of Binghamton to borrow money for the purpose of purchasing a site for a high school, and erecting and furnishing a building thereon.'"

"An act to provide for raising by tax on the taxable property in the town of Kingsbury, Washington county, money to be applied toward the construction of a new court-house in said town."

"An act requiring the New York Central and Hudson River Railroad Company to change the names of certain stations upon the line of their railroad."

"An act to provide for the repayment of certain moneys paid to the commissioners of Mamaroneck avenue, in Westchester county."

"An act to amend an act entitled 'An act in relation to the receiver of taxes for the town of Morrisania,' passed April 28, 1870."

"An act to confirm a deed from the consistory of the Reformed Dutch Church of Poughkeepsie to the consistory of the Second Reformed Dutch Church of Poughkeepsie."

"An act for the protection of livery stable keepers, and keepers of horses at riding academies."

"An act to prevent the taking of fish from Loon lake, in the town of Wayland, Steuben county."

"An act to amend an act entitled 'An act to provide for the improvement of Grass river, and of the water-power thereon, and to check freshets therein.'"

"An act for the suppression of the sale of prize packages."

"An act to amend chapter 190 of the Laws of 1860, entitled 'An act extending to Oliver A. Field the right to establish and maintain a ferry across the Hudson river,' passed April 6, 1860."

"An act to authorize the Rondout and Kingston Gas-light Company to issue bonds for certain purposes."

Mr. Speaker ordered the roll to be called, when the following gentlemen answered to their names :

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Couchman    | Herrick    | Mackay     | Simson          |
| Alvord        | Dykeman     | A. Hill    | Moore      | Smith           |
| D. L. Babcock | Foley       | D. B. Hill | Moseley    | Smyth           |
| Badeau        | Ford        | Holdridge  | Murdock    | Sniper          |
| Baltz         | Fort        | Hollister  | Oakley     | Speaker         |
| Beckwith      | Fowler      | Houghton   | Pell       | Swain           |
| Bemus         | Geib        | Hungerford | Pierce     | M. M. Tompkins  |
| Blair         | Goss        | Judd       | Preston    | W. J. Van Dusen |
| E. E. Brown   | Green       | Kennedy    | Ray        | Wells           |
| I. D. Brown   | Greenhalgh  | Knapp      | Roche      | Whitbeck        |
| Buckley       | Gregory     | Lincoln    | Rose       | Wiley           |
| Buell         | Hawkins     | Lott       | Sage       | Woolsey         |
| Chamberlain   | A. L. Hayes | Lynde      | Shepardson | Yeomans 65      |

Mr. Holdridge, from the committee on Indian affairs, to which was referred the bill entitled "An act to repeal chapter 46 of the Laws of 1859, entitled 'An act to enable the Shinnecock tribe of Indians to exchange certain rights in lands with the trustees of the proprietors of the common and undivided lands and marshes in the town of Southampton,' passed March 16, 1859," reported adversely thereto; which report was agreed to.

Mr. Smiley, from the committee on public printing, to which was referred the resolution to print extra copies of the report on railroads for the year ending September 30, 1871, reported in favor of the adoption of the following resolution :

*Resolved*, That there be printed and bound in cloth, under the directions of the State Engineer and Surveyor, the following numbers of copies of the report on railroads for the year ending September 30, 1871 : For each member, officer and reporter of the Assembly, fifteen copies, and for the department of the State Engineer and Surveyor 2,400 copies, the whole expense thereof to be refunded to the Treasurer of the State by an equitable assessment by the Comptroller on the several railroad companies of this State.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Beckwith, from the committee on State charitable institutions, to which was referred the bill entitled "An act to amend an act entitled 'An act to provide for the safe custody and care of insane criminals, passed May 17, 1869,' also to amend an act entitled 'An act to authorize judicial inquiry as to the sanity of persons indicted for capital offenses,' passed April 21, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.



Mr. Badeau, from the committee on roads and bridges, to which was referred the bill entitled "An act to abolish tolls on the road of the Williamsburgh and Cypress Hill Macadamized Road Company in the county of Kings and Queens, and provide compensation therefor," reported adversely thereto, which report was agreed to.

Mr. Enos, from the committee on internal affairs, to which was recommended the bill entitled "An act to enable the electors of the town of Wilna, in the county of Jefferson, to vote by districts for town officers," reported in favor of the passage of the same with amendments; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to lay out, open and continue Bushwick avenue, in the town of New Lots," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act to amend an act entitled 'An act to provide for the improvement of Newtown creek, between Maspeth avenue and Metropolitan avenue,' passed April 12, 1871," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the bill entitled "An act further to amend chapter 864 of the Laws of 1868, entitled 'An act to authorize the drainage of marsh lands,'" reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the Senate bill entitled "An act to extend the time for the collection of assessments for the improvement of Atlantic avenue, in the town of New Lots, Kings county," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the Senate bill entitled "An act to authorize the construction of a sewer in the county of Kings from the county buildings at Flatbush in said county," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the Senate bill entitled "An act to provide for increased penalties for riding or driving any animal or animals across bridges or over rivers in the town of Brasher, St. Lawrence county," reported in favor of the passage of the same; which report was agreed to, and said bill committed to the committee of the whole.

Mr. Lynde, from the committee on internal affairs, to which was referred the Senate bill entitled "An act for the lighting of streets in the town of New Lots, in the county of Kings, with gas," reported in favor of the passage of the same, which report was agreed to and said bill committed to the committee of the whole.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to repeal the act entitled 'An act to provide for laying out and improving roads and avenues in the village and town of Saratoga Springs,' passed May 5, 1870, and the several acts amendatory thereof, so far as relates to widening Spring avenue between

Lake avenue and Circular street," reported adversely thereto, which report was agreed to.

Mr. Pierce, from the committee on the affairs of villages, to which was referred the bill entitled "An act to incorporate the village of Clifton," reported adversely thereto, which report was agreed to.

Mr. Yeomans, from the committee on agriculture, to which was referred the Senate bill entitled "An act for the organization and incorporation of the Lenox Farmers' and Mechanics' Association," reported in favor of the passage of the same; which report was agreed to and said bill committed to the committee of the whole.

Mr. D. L. Babcock introduced a bill entitled "An act to amend chapter 155 of Laws of 1860, entitled 'An act in relation to baled hay and hay scales,' " which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on agriculture.

Also, a bill entitled "An act making further provision as to the police department of the city of Albany," which was read the first, and by unanimous consent was also read the second time.

On motion of Mr. Alvord, and by unanimous consent, said bill was ordered to a third reading.

Also, a bill entitled "An act in reference to the Young Men's Association for Mutual Improvement in the city of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Ford introduced a bill entitled "An act to incorporate St. Joseph's Female Academy of Binghamton, New York," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Berri introduced a bill entitled "An act to provide means for the support of the Inebriate's Home for Kings county, and the better government thereof," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

Mr. Blair introduced a bill entitled "An act to incorporate the South Second Street, and Calvary Cemetery railroads," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Woodward introduced a bill entitled "An act to authorize the board of supervisors of the county of Warren to raise and levy the sum of five thousand dollars on the town of Cauldwell in said county of Warren," which was read the first time, and by unanimous consent, was also read the second time.

On motion of Mr. Houghton, and by unanimous consent, said bill was ordered to a third reading.

By unanimous consent, Mr. E. E. Brown offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That Assembly bill No. 541, general order No. 617, entitled "An act to amend an act entitled 'An act to authorize the construction of a street railroad in the city of Auburn, and from thence to the Owasco lake, passed April 15, 1871,'" be referred to the first committee of the whole.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Fowler introduced a bill entitled "An act to amend an act entitled

'An act to amend the act entitled An act to incorporate the village of Bath, in the county of Steuben, passed June 10, 1850, and the act amendatory thereof,' passed April 25, 1866," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Fowler, and by unanimous consent, said bill was ordered engrossed for a third reading.

Mr. D. B. Hill introduced a bill entitled "An act to provide for the payment of certain indebtedness of the city of Elmira," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Also, a bill entitled "An act to authorize the election of an additional justice of the peace in the city of Elmira," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

Mr. Roche introduced a bill entitled "An act to amend the charter of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the affairs of cities.

Mr. Smyth introduced a bill entitled "An act to amend act entitled 'An act to authorize certain towns in the counties of Onondaga, Oswego and Jefferson to issue bonds in aid of the Syracuse Northern Railroad Company,' passed May 4, 1868," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

By unanimous consent, Mr. Hollister presented the petition of citizens of Washington county in favor of reform in the management of State prisons; which was read and referred to the committee on State prisons.

By unanimous consent Mr. Alberger offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That a concurrent resolution adopted by the Senate, providing for a commission to revise the exterior pier and bulk-head lines of the harbors of New York and Brooklyn, be taken from the table and considered in the first committee of the whole.

Mr. Speaker then put the question whether the House would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. Morton,

*Resolved*, That Assembly bill No. 261, general order No. 289, entitled "An act to amend an act entitled 'An act to extend and improve Fourth street, in the city of Brooklyn,' passed May 10, 1871, and to confirm certain proceedings had thereunder," be recommitted to the committee on the affairs of cities for the purpose of amendment, retaining its place on general orders.

Mr. I. D. Brown offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the concurrent resolution, general order 449, proposing an amendment to the Constitution relative to appropriations and taxation, be referred to the first committee of the whole not full.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative, two-thirds of all the members present not voting in favor thereof.

Mr. Berri offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the Assembly bill, No. 272, general order 301, entitled "An act to amend an act entitled 'An act to consolidate the cities of



Brooklyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same,' passed April 17, 1854,' be recommitted to the committee on the affairs of cities for amendment, retaining its place on the order of third reading of bills.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, two-thirds of all the members present voting in favor thereof.

Mr. Foley offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That Assembly bill No. 618, general order 708, entitled "An act to amend, extend, and continue an act entitled 'An act to incorporate the Bankers' Life Insurance and Trust Company,'" be considered in the first committee of the whole not full.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the negative, two-thirds of all the members present not voting in favor thereof.

On motion of Mr. Sniper, the bill entitled "An act to amend chapter 80 of the Laws of 1870, entitled 'An act to provide for the enrollment of the militia, for the organization of the National Guard of the State of New York, and for the public defense, and entitled The Military Code,'" was recommitted to the committee on the militia, retaining its place on general orders.

Mr. Hawkins moved to reconsider the vote by which the adverse report of the committee on the affairs of cities, on Senate bill entitled "An act to alter the map or plan of the city of New York, by extending Desbrosses street," was agreed to, and that that motion lay on the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. D. B. Hill moved that in committee of the whole no member be allowed to speak more than five minutes nor more than twice on the same subject.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The House then resolved itself into a committee of the whole on the bills entitled as follows:

"An act to amend an act entitled 'An act to encourage the organization of town agricultural societies,' passed April 14, 1869."

"Concurrent resolution of the Senate providing for a commission to revise the extension pier and bulk-head lines of the harbor of New York and Brooklyn."

"An act to prevent the appropriation of public money, property or credit to any institution that is under the control of a religious sect or denomination."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Roche, from said committee, reported in favor of the passage of said first mentioned bill; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Roche, from said committee, also reported in favor of the passage of said resolution; which report was agreed to, and said resolution adopted.

Mr. Roche, from said committee, also reported that they have stricken out the title of the last mentioned bill, and instructed the chairman to report that fact to the House.

The question being on agreeing to said report,

Mr. I. D. Brown moved that said bill be recommitted to the committee on ways and means, with instructions to restore the first section and the title thereof.

Mr. Speaker put the question whether the House would agree to said motion of Mr. I. D. Brown, and it was determined in the negative.

{ AYES 33 }  
{ NOES 36 }

Those who voted in the affirmative, were

|             |           |            |         |         |
|-------------|-----------|------------|---------|---------|
| Badeau      | Dykeman   | Houghton   | Mackay  | Ray     |
| Baltz       | Fowler    | Hyatt      | Morton  | Rose    |
| Bemus       | Green     | Judd       | Murdock | Sage    |
| Bennett     | Gregory   | Knapp      | Pell    | Smith   |
| Berri       | Hawkins   | Lincoln    | Pierce  | Squires |
| I. D. Brown | Herrick   | G. P. Lord | Preston | Wells   |
| Couchman    | Holdridge | Lott       |         |         |

Those who voted in the negative, were

|               |             |            |         |                 |
|---------------|-------------|------------|---------|-----------------|
| Alberger      | Burritt     | A. Hill    | Moseley | Speaker         |
| Alvord        | Foley       | D. B. Hill | Osgood  | Swain           |
| D. L. Babcock | Ford        | Hollister  | Roche   | M. M. Tompkins  |
| Beckwith      | Fort        | Husted     | Simson  | W. J. Van Dusen |
| Blair         | Geib        | Kennedy    | Smiley  | Whitbeck        |
| E. E. Brown   | Greenhalgh  | Lynde      | Sniper  | Wiley           |
| Buckley       | A. L. Hayes | Moore      | Snyder  | Yeomans         |
| Buell         |             |            |         |                 |

Mr. Speaker then put the question whether the House would agree to the report of the committee of the whole, and it was determined in the affirmative.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

“An act making an appropriation to pay the expenses of the collection of tolls, superintendence, ordinary repairs and maintenance of the canals for the fiscal year commencing on the first day of October, 1872.

“An act to reappropriate moneys for construction of new work upon and extraordinary repairs of the canals of this State, and for payment of awards made by the Canal Appraisers.”

“An act to authorize the Canal Commissioners to construct a road-bridge over the Chemung canal, in the village of Watkins, in Schuyler county.”

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Ray, from said committee, reported in favor of the passage of said bills, the second mentioned with an amendment, and the third mentioned with amendments; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Rose called from the table the report of the sub-committee of the whole, in favor of the passage of the bills entitled as follows:

“An act to change the name of the Sixth Ward Savings Bank of the city of Albany.”

“An act authorizing the construction and maintenance of a highway from the north line of the township of Hollywood, in the county of St. Lawrence, into township No. 25, in Franklin county.” [With amendments.]

“An act to enable the electors of the town of Esopus to vote by districts for town officers.”

“An act to amend an act entitled ‘An act to create a board of trustees for the town of Morrisania, in the county of Westchester, and to define

their powers, passed April 22, 1864, and the acts amending the same." [With amendments.]

"An act to amend an act entitled 'An act to authorize the consolidation of certain gas-light companies in the city of Brooklyn, passed May 2, 1871.'

"An act to amend an act entitled 'An act to alter the map or plan of the city of New York,' passed April 15, 1859, relative to the Seventh avenue in the city of New York." [With amendments.]

"An act to amend an act passed April 24, 1865, entitled 'An act for the improvement of part of the city of New York between 110th street and Harlem river.'" [With amendments.]

"An act to legalize the proceedings of certain commissioners appointed for the drainage of wet lands in Onondaga."

Senate, "An act to dissolve the New York and Richmond Granite Company."

"An act to authorize the common council of the city of Syracuse to raise money for the purchase of a steam fire engine and apparatus, and erect a building for the use of the same." [With amendments.]

Senate, "An act to discharge William Hoffman from the debtors' jail in the city of New York, commonly called the Ludlow street jail, and to discharge him from arrest and imprisonment under the orders of arrest, by virtue of which he is now imprisoned in said jail, and to exonerate his person from any existing or future arrest or imprisonment on any civil process in any civil action issuing out of any court of law or on any execution issuing on any judgment rendered or to be rendered in any such action, in every case in which the cause of action existed at the time of the passage of this act which arose since January 1, 1871, and existed at the time of the passage of this act." [With amendments.]

"An act to establish a receiver of taxes, and to authorize the sale of lands for the non-payment of taxes and for the collection of unpaid taxes in the town of Hempstead in the county of Queens."

"An act to amend an act entitled 'An act to amend chapter 150, of the Laws of 1837, authorizing a loan of certain moneys belonging to the United States, deposited with the State of New York, for safe keeping,' passed May 2, 1864, so far as the same relates to the county of Jefferson." [With an amendment.]

"An act to authorize the United Petroleum Farms Association, to dispose of its real estate." [With an amendment.]

"An act to authorize the common council of the city of Brooklyn to open, grade, pave and complete Douglass street, in said city."

"An act authorizing the formation of a separate road district in the town of Jay, county of Essex."

"An act to provide for the building of an iron bridge across the Chemung river, in the city of Elmira, and bonding said city to pay the expenses thereof." [With amendments.]

Senate, "An act to authorize the trustees of the Black River Annual Conference, to pay and transfer to the trustees of the Central New York Conference, certain funds and property."

"An act to amend an act entitled 'An act to amend article 4 of title 4 of chapter 11 of part 1 of the Revised Statutes, of division and other fences.'" [With amendments.]

"An act to legalize and provide for the election of trustees of Sleepy Hollow Cemetery, at Tarrytown, and to confirm other official acts." [With amendments.]



Mr. Speaker then put the question whether the House would agree to the report of the committee, and it was determined in the affirmative.

*Ordered*, That said bills be engrossed for a third reading.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to incorporate the Oswego Railroad Bridge Company, for the purpose of constructing and maintaining a railroad bridge across the Oswego river, in the city of Oswego."

"An act to improve the navigation of the Baldwinsville canal."

"An act relating to the Pacific Mail Steamship Company."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Greenhalgh, from said committee, reported progress on said first mentioned bill, and asked leave to sit again.

The question being upon granting leave,

On motion of Mr. Fort, the committee of the whole was discharged from the further consideration of said bill, and the same was ordered engrossed for a third reading.

Mr. Greenhalgh, from said committee, also reported in favor of the passage of said second mentioned bill; which report was agreed to, and said bill ordered engrossed for a third reading.

Mr. Greenhalgh, from said committee, also reported progress on said third mentioned bill, and asked leave to sit again.

The question being upon granting leave,

Mr. Husted moved to discharge the committee of the whole from the further consideration of said bill, and that the same be ordered engrossed for a third reading, and on that motion moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion to discharge the committee of the whole from the further consideration of said bill, and order the same engrossed for a third reading, and it was determined in the affirmative.

{ AYES 64 }  
{ NOES 7 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Aitken        | Burritt     | Herrick    | Moore      | Smith           |
| Alberger      | Chamberlain | A. Hill    | Moseley    | Smyth           |
| Alvord        | Couchman    | Holdridge  | Murdock    | Sniper          |
| D. L. Babcock | Dykeman     | Hollister  | Oakley     | Speaker         |
| Badeau        | Ford        | Houghton   | Osgood     | Squires         |
| Beckwith      | Fort        | Husted     | Pell       | M. M. Tompkins  |
| Bemus         | Geib        | Judd       | Pierce     | Twombly         |
| Bennett       | Goss        | Kennedy    | Ray        | W. J. Van Dusen |
| Blair         | Green       | Lincoln    | Roche      | Wells           |
| E. E. Brown   | Greenhalgh  | G. P. Lord | Rose       | Wiley           |
| I. D. Brown   | Gregory     | Lott       | Sage       | Woolsey         |
| Buckley       | Hart        | Lynde      | Shepardson | Wyman           |
| Buell         | A. L. Hayes | Mackay     | Simson     |                 |

Those who voted in the negative, were

|       |            |         |        |        |
|-------|------------|---------|--------|--------|
| Berri | Hawkins    | Preston | Smiley | Snyder |
| Foley | D. B. Hill |         |        |        |

Mr. Rose presented the report of the sub committee of the whole; which was laid on the table and ordered printed.

(See Doc. No. 136.)

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act for the extension of the Utica, Chenango and Cortland Railroad."

"An act to amend an act entitled 'An act to authorize the construction of a street railroad in the city of Auburn, and from thence to the Owasco lake,' passed April 15, 1871."

"An act to repeal chapter 889 of the Laws of 1871, entitled 'An act to amend chapter 160 of the Laws of 1866, entitled An act to facilitate the construction of the Schoharie Valley railroad;' also, chapter 616 of the Laws of 1867, entitled 'An act to reduce the number of directors of the Schoharie Valley Railroad Company, to re-enact the portions of the chapter so amended, and other acts which were repealed by said chapter 889 of the Laws of 1871, and for the election of directors of said railroad company;' also, relative to the bonds and stock of said railroad company held or owned by the town of Schoharie."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Husted, from said committee, reported in favor of the passage of said first and second mentioned bills, the second mentioned with an amendment; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Husted, from said committee, also reported progress on said third mentioned bill, and asked and obtained leave to sit again.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to extend the time for the organization of the Mutual Fire Insurance Company."

"An act to amend chapter 463 of the Laws of 1853, entitled 'An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies.'"

Senate, "An act concerning the Sodus Bay, Corning and New York Railroad Company, and providing for a change in its corporate name."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Alvord, from said committee, reported in favor of the passage of said first and second mentioned bills; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Alvord, from said committee, also reported in favor of the passage of said third mentioned bill; which report was agreed to, and said bill ordered to a third reading.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act for the relief of Abner Baker and John Byron Baker."

"An act to enable life insurance companies to restore impaired reserve, and also to transfer their business."

"Concurrent resolutions proposing an amendment to the Constitution relative to appropriations and taxation."

And after some time spent therein, the Speaker resumed the chair, and Mr. D. B. Hill, from said committee, reported progress on said first mentioned bill, and asked leave to sit again.

The question being upon granting leave,

Mr. Foley moved to discharge the committee of the whole from the further consideration of said bill, and that the same be ordered engrossed for a third reading, and on that motion moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the negative.

Mr. Alvord moved to recommit said bill to the committee on claims, with instructions to strike out the enacting clause.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion as amended, and it was determined in the affirmative.

Mr. D. B. Hill, from said committee, also reported progress on said second mentioned bill, and asked leave to sit again.

The question being upon granting leave,

Mr. Husted moved to discharge the committee of the whole from the further consideration of said bill, and that the same be ordered engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. D. B. Hill, from said committee, also reported in favor of the passage of said third mentioned concurrent resolutions, which report was agreed to, and said resolutions ordered engrossed for a third reading.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to incorporate the Port Richmond Savings Bank."

Senate, "An act to incorporate the Safe Deposit and Trust Company, of Auburn, New York."

"An act to incorporate the Brooklyn City Safe Deposit Company."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Alberger, from said committee, reported progress on said first mentioned bill, and asked leave to sit again.

The question being upon granting leave,

On motion of Mr. Judd, the committee of the whole was discharged from the further consideration of said bill, and the same was ordered engrossed for a third reading.

Mr. Alberger, from said committee, also reported progress on said second mentioned bill, and asked and obtained leave to sit again.

Mr. Alberger, from said committee, also reported progress on said third mentioned bill, and asked leave to sit again.

The question being upon granting leave,

Mr. Moseley moved that the committee of the whole be discharged from the further consideration of said bill, and that the same be ordered engrossed for a third reading.

Mr. Hawkins moved that said bill be recommitted to the committee on banks.

Debate was had thereon, when

Mr. Foley moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Hawkins, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Moseley, and it was determined in the affirmative.

*Ordered*, That said bill be engrossed for a third reading.

The House again resolved itself into a committee of the whole on the bills entitled as follows:

"An act to incorporate the Saint Canisius College."

Senate, "An act to release the interest of the people of the State of New York in certain lands to Charles O. Jones."



"An act to authorize the Clifton Mining Company to succeed to the rights of the Clifton Iron Company."

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Kennedy, from said committee, reported in favor of the passage of said first and third mentioned bills; which report was agreed to, and said bills ordered engrossed for a third reading.

Mr. Kennedy, from said committee, also reported in favor of the passage of said second mentioned bill; which report was agreed to, and said bill ordered to a third reading.

Mr. Husted moved that each day the House proceeds to the consideration of general orders that the Clerk call from the list at the place where he left off the preceding day.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The Senate returned the bill entitled "An act to confirm the official acts of the trustees of the village of Phelps," with a message that they had concurred in the passage of the same.

*Ordered,* That the Clerk deliver said bill to the Governor.

Mr. Husted moved to take from the table the motion to reconsider the vote by which the bill entitled "An act to amend chapter 534 of the Laws of 1871, entitled 'An act relative to the improvement of certain portions of the counties of Westchester and New York, including provisions for communication between said counties, and for improving the navigation of Harlem river and Spuyten Duyvil creek,'" was passed.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

On motion of Mr. D. B. Hill, and by unanimous consent, the committee on the affairs of cities was discharged from the further consideration of the bill entitled "An act to provide for the payment of certain indebtedness of the city of Elmira," and the same was ordered engrossed for a third reading.

The Senate returned the bill entitled "An act to amend title 12 of the charter of the city of Albany, entitled 'The Police Department,' passed March 16, 1870," with a message that "the bill having been received from the Assembly with the objections of the Governor thereto, the President put the question 'Shall this bill pass, notwithstanding the objections of the Governor?' and it was decided in the affirmative, two-thirds of all the Senators present and voting in favor thereof."

*Ordered,* That the Clerk deliver said bill to the Secretary of State.

Leave of absence was granted to Mr. Shepardson until Tuesday, and to Messrs. Snyder, Whitaker and Woodward indefinitely.

On motion of Mr. Pell, at 1 o'clock and 20 minutes, the House adjourned.

MONDAY, APRIL 8, 1872—7.30 P. M.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Dysart.

On motion of Mr. Alvord, the reading of the journal of Saturday was dispensed with.

Mr. Speaker ordered the roll to be called, when the following gentlemen answered to their names:

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Crandall    | A. Hill    | Lynde      | Smyth           |
| Alvord        | Dunphy      | D. B. Hill | Mackay     | Sniper          |
| D. L. Babcock | Dykeman     | Holdridge  | Morton     | Snyder          |
| Badeau        | Enos        | Houghton   | Moseley    | Speaker         |
| Beckwith      | Fort        | Hungerford | Mosher     | Springsted      |
| Bemus         | Fowler      | Husted     | Moulton    | Squires         |
| E. E. Brown   | Geib        | Hyatt      | Murdock    | Swain           |
| I. D. Brown   | Goss        | Jacobs     | Osgood     | Tobey           |
| Buckley       | Green       | Kennedy    | Pierce     | D. Tomkins      |
| Buell         | Greenhalgh  | Kilian     | Preston    | Tucker          |
| Burns         | Gregory     | Kingsland  | Ray        | A. L. Van Dusen |
| Burritt       | Hart        | Knapp      | Rose       | W. J. Van Dusen |
| Campbell      | Hawkins     | Lincoln    | Sage       | West            |
| Chamberlain   | A. L. Hayes | Lippitt    | Shepardson | Whitbeck        |
| Chambers      | J. Hayes    | G. D. Lord | Simson     | Woolsey         |
| Cook          | Healy       | G. P. Lord | Smiley     | Yeomans         |
| Couchman      | Herrick     | Loughran   |            |                 |

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Mr. Speaker stated the pending question to be upon the motion of Mr. Husted to reconsider the vote by which the bill entitled "An act to amend chapter 534 of the Laws of 1871, entitled 'An act relative to the improvement of certain portions of the counties of Westchester and New York, including provisions for communication between said counties and for improving the navigation of Harlem river and Spuyten Duyvil creek,'" was passed.

Mr. Speaker put the question whether the House would agree to said motion to reconsider, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths of said members being present.

{ AYES 3 }  
{ NOES 74 }

Those who voted in the affirmative, were

Alberger Gregory Osgood

Those who voted in the negative, were

|               |          |            |         |            |
|---------------|----------|------------|---------|------------|
| Alvord        | Couchman | Healy      | Lynde   | Smyth      |
| D. L. Babcock | Crandall | Herrick    | Mackay  | Sniper     |
| Badeau        | Dunphy   | A. Hill    | Morton  | Speaker    |
| Beckwith      | Dykeman  | D. B. Hill | Moseley | Springsted |
| Bemus         | Enos     | Holdridge  | Mosher  | Squires    |
| E. E. Brown   | Fort     | Husted     | Moulton | Swain      |
| I. D. Brown   | Fowler   | Hyatt      | Murdock | Tobey      |
| Buckley       | Geib     | Kennedy    | Pierce  | D. Tomkins |
| Buell         | Goss     | Kilian     | Preston | Tucker     |

|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| Burns       | Green       | Knapp      | Ray        | A. L. Van Dusen |
| Burritt     | Greenhalgh  | Lincoln    | Rose       | W. J. Van Dusen |
| Campbell    | Hart        | Lippitt    | Shepardson | West            |
| Chamberlain | Hawkins     | G. D. Lord | Simson     | Whitbeck        |
| Chambers    | A. L. Hayes | G. P. Lord | Smiley     | Woolsey         |
| Cook        | J. Hayes    | Loughran   | Smith      |                 |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of non-concurrence in the passage of the same.

The House proceeded to the consideration of the amendments of the Senate to the bill entitled "An act making an appropriation for Sarah Wyatt, widow of Samuel Wyatt," in the words following:

Section 1, engrossed bill, strike out down to and including the word "comptroller" in the fourth line, and insert the following: "The comptroller of the city of New York shall pay from the treasury of said city the sum of five thousand dollars."

Add at the end of section 1, the following: "In quelling a riot in the said city of New York."

Amend the title so as to read as follows:

"An act for the relief of Sarah Wyatt, widow of Samuel Wyatt."

Which, on being read, were referred to the committee on the affairs of cities, which committee having reported in favor of concurring with the Senate in their amendments to said bill with a further amendment, in the words following:

Add after the word "dollars" the words "which amount shall be provided for in the tax levy of 1872."

Mr. Speaker put the question whether the House would concur with the Senate in their amendments, and with the further amendment made by the committee on the affairs of cities, of the Assembly, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 74 }  
{ NOES 6 }

Those who voted in the affirmative, were

|               |            |             |            |                 |
|---------------|------------|-------------|------------|-----------------|
| Alberger      | Cook       | Hawkins     | G. D. Lord | Smiley          |
| Alvord        | Couchman   | A. L. Hayes | G. P. Lord | Smith           |
| D. L. Babcock | Crandall   | Herrick     | Loughran   | Smyth           |
| Badeau        | Dunphy     | A. Hill     | Lynde      | Sniper          |
| Beckwith      | Dykeman    | Holdridge   | Mackay     | Snyder          |
| Bemus         | Enos       | Houghton    | Morton     | Springsted      |
| E. E. Brown   | Fort       | Hungerford  | Murdock    | Swain           |
| I. D. Brown   | Fowler     | Hyatt       | Osgood     | Tobey           |
| Buckley       | Geib       | Jacobs      | Pierce     | Tucker          |
| Buell         | Goss       | Kennedy     | Preston    | A. L. Van Dusen |
| Burns         | Green      | Kilian      | Ray        | W. J. Van Dusen |
| Burritt       | Greenhalgh | Kingsland   | Rose       | West            |
| Campbell      | Gregory    | Knapp       | Sage       | Whitbeck        |
| Chamberlain   | Haight     | Lincoln     | Shepardson | Woolsey         |
| Chambers      | Hart       | Lippitt     | Simson     | Yeomans         |

Those who voted in the negative, were

|          |         |        |         |         |
|----------|---------|--------|---------|---------|
| J. Hayes | Moseley | Mosher | Speaker | Squires |
| Healy    |         |        |         |         |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of concurrence in their amendments, with a further amendment thereto by the Assembly.



The Senate returned the bill entitled "An act to authorize the construction of a bridge over the Chenango canal at the village of Solsville, in the county of Madison," with a message that they do non-concur in the passage of the same.

The Senate returned the bill entitled "An act to authorize the formation, establishing and maintaining of driving park, or park associations," with a message that they assent to a committee of conference on said bill, and have appointed as such committee on the part of the Senate, Messrs. McGowan, Lowery and Lord.

*Ordered*, That the Clerk return said bill to the Senate.

The Senate returned the Senate bill entitled "An act to amend an act entitled 'An act to establish a department of police in the city of Buffalo, and to provide for the government thereof,' passed April 26, 1871," with a message that they do non-concur in the amendments of the Assembly to said bill, and request a committee of conference, and have appointed as such committee on the part of the Senate, Messrs. Lewis, Bowen and Cock.

Mr. Alberger moved that the Assembly assent to the request of the Senate, and appoint a committee of conference thereon.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker announced the following as such committee: Messrs. Alberger, Baltz, Kennedy, Enos, Wiley.

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that they have appointed a committee of conference thereon.

The Senate returned the bill entitled "An act to amend an act entitled 'An act to authorize the village of Dunkirk to issue bonds for the purpose of supplying said village with water, and to create a board of water commissioners,' passed April 13, 1871."

*Ordered*, That the Clerk deliver said bill to the Governor.

Mr. Hawkins moved to take from the table the message of the Senate on concurrence in the passage of the bill entitled "An act to reorganize the local government of the city of New York," with amendments as announced on Wednesday, April 3.

On that motion Mr. Alvord moved the previous question.

Mr. Speaker put the question "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Hawkins, and it was determined in the affirmative.

{ AYES 51 }  
{ NOES 30 }

Those who voted in the affirmative, were

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| Alberger      | Fort        | Hyatt     | Murdock    | Speaker         |
| Alvord        | Geib        | Kennedy   | Osgood     | Springsted      |
| D. L. Babcock | Green       | Kilian    | Preston    | Squires         |
| Badeau        | Greenhalgh  | Kingsland | Rose       | Swain           |
| Beckwith      | Gregory     | Knapp     | Shepardson | Tobey           |
| E. E. Brown   | Haight      | Lippitt   | Smiley     | D. Tomkins      |
| I. D. Brown   | Hart        | Lynde     | Smith      | A. L. Van Dusen |
| Burns         | Hawkins     | Mackay    | Smyth      | West            |
| Crandall      | A. L. Hayes | Morton    | Sniper     | Whitbeck        |
| Dykeman       | Houghton    | Moulton   | Snyder     | Yeomans         |
| Enos          |             |           |            |                 |

Those who voted in the negative, were

|             |          |            |            |         |
|-------------|----------|------------|------------|---------|
| Bemus       | Cook     | Healy      | Lincoln    | Ray     |
| Buckley     | Couchman | Herrick    | G. D. Lord | Sage    |
| Buell       | Dunphy   | A. Hill    | G. P. Lord | Simson  |
| Campbell    | Fowler   | Holdridge  | Loughran   | Tucker  |
| Chamberlain | Goss     | Hungerford | Moseley    | Wiley   |
| Chambers    | J. Hayes | Jacobs     | Mosher     | Woolsey |

Mr. Speaker then stated the question to be upon the motion of Mr. Alvord to non-concur in the amendments of the Senate thereto, and that a conference committee be appointed thereon on the part of the Assembly, and request a like committee on the part of the Senate.

Mr. Jacobs moved to amend said motion by striking out all of said motion and inserting in place thereof the words "that said bill and the amendments of the Senate thereto be recommitted to the committee on the affairs of cities."

Mr. Alberger moved the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

{ AYES 54 }  
{ NOES 29 }

Those who voted in the affirmative, were

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| Alberger      | Geib        | Hyatt     | Murdock    | Springsted      |
| Alvord        | Goss        | Kennedy   | Osgood     | Swain           |
| D. L. Babcock | Greenhalgh  | Kilian    | Preston    | Tobey           |
| Badeau        | Gregory     | Kingsland | Rose       | D. Tomkins      |
| Beckwith      | Haight      | Lincoln   | Shepardson | A. L. Van Dusen |
| E. E. Brown   | Hart        | Lippitt   | Simson     | W. J. Van Dusen |
| Burns         | Hawkins     | Loughran  | Smiley     | West            |
| Burritt       | A. L. Hayes | Lynde     | Smith      | Whitbeck        |
| Dykeman       | Holdridge   | Mackay    | Smyth      | Woolsey         |
| Enos          | Hungerford  | Morton    | Snyder     | Yeomans         |
| Fort          | Husted      | Moulton   | Speaker    |                 |

Those who voted in the negative, were

|             |          |            |            |        |
|-------------|----------|------------|------------|--------|
| Bemus       | Chambers | Healy      | Knapp      | Ray    |
| I. D. Brown | Cook     | Herrick    | G. D. Lord | Sage   |
| Buckley     | Couchman | A. Hill    | G. P. Lord | Sniper |
| Buell       | Dunphy   | D. B. Hill | Moseley    | Tucker |
| Campbell    | Fowler   | Houghton   | Mosher     | Wiley  |
| Chamberlain | J. Hayes | Jacobs     | Pierce     |        |

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Jacobs, and it was determined in the negative.

{ AYES 30 }  
{ NOES 56 }

Those who voted in the affirmative, were

|             |          |            |            |         |
|-------------|----------|------------|------------|---------|
| Bemus       | Cook     | Healy      | Knapp      | Pierce  |
| Buckley     | Couchman | Herrick    | G. D. Lord | Ray     |
| Buell       | Crandall | A. Hill    | G. P. Lord | Simson  |
| Campbell    | Dunphy   | D. B. Hill | Loughran   | Wiley   |
| Chamberlain | Fowler   | Hungerford | Moseley    | Woolsey |
| Chambers    | J. Hayes | Jacobs     | Mosher     | Yeomans |

Those who voted in the negative, were

|          |      |        |         |            |
|----------|------|--------|---------|------------|
| Alberger | Geib | Husted | Murdock | Speaker    |
| Alvord   | Goss | Hyatt  | Osgood  | Springsted |

|               |             |           |            |                 |
|---------------|-------------|-----------|------------|-----------------|
| D. L. Babcock | Green       | Kennedy   | Preston    | Squires         |
| Badeau        | Greenhalgh  | Kilian    | Rose       | Swain           |
| Beckwith      | Gregory     | Kingsland | Sage       | Tobey           |
| E. E. Brown   | Haight      | Lincoln   | Shepardson | D. Tomkins      |
| I. D. Brown   | Hart        | Lippitt   | Smiley     | Tucker          |
| Burns         | Hawkins     | Lynde     | Smith      | A. L. Van Dusen |
| Burritt       | A. L. Hayes | Mackay    | Smyth      | W. J. Van Dusen |
| Dykeman       | Holdridge   | Morton    | Sniper     | West            |
| Enos          | Houghton    | Moulton   | Snyder     | Whitbeck        |
| Fort          |             |           |            |                 |

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Alvord, and it was determined in the affirmative.

{ AYES 57 }  
{ NOES 29 }

Those who voted in the affirmative, were

|               |            |           |            |                 |
|---------------|------------|-----------|------------|-----------------|
| Alberger      | Fort       | Hyatt     | Osgood     | Speaker         |
| Alvord        | Geib       | Kennedy   | Pierce     | Springsted      |
| D. L. Babcock | Goss       | Kilian    | Preston    | Squires         |
| Badeau        | Green      | Kingsland | Rose       | Swain           |
| Beckwith      | Greenhalgh | Lippitt   | Shepardson | Tobey           |
| E. E. Brown   | Gregory    | Loughran  | Simson     | D. Tomkins      |
| I. D. Brown   | Haight     | Lynde     | Smiley     | A. L. Van Dusen |
| Burns         | Hart       | Mackay    | Smith      | W. J. Van Dusen |
| Burritt       | Hawkins    | Morton    | Smyth      | West            |
| Crandall      | Herrick    | Moulton   | Sniper     | Whitbeck        |
| Dykeman       | Houghton   | Murdock   | Snyder     | Woolsey         |
| Enos          | Husted     |           |            |                 |

Those who voted in the negative, were

|             |             |            |            |         |
|-------------|-------------|------------|------------|---------|
| Bemus       | Cook        | Healy      | Knapp      | Ray     |
| Buckley     | Couchman    | A. Hill    | Lincoln    | Sage    |
| Buell       | Dunphy      | D. B. Hill | G. D. Lord | Tucker  |
| Campbell    | Fowler      | Holdridge  | G. P. Lord | Wiley   |
| Chamberlain | A. L. Hayes | Hungerford | Moseley    | Yeomans |
| Chambers    | J. Hayes    | Jacobs     | Moshier    |         |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing of non-concurrence in their amendments, and requesting a committee of conference.

Mr. Speaker announced the following as such conference committee on the part of the Assembly, to wit: Messrs. Alvord, Hawkins, Fort, Morton and Paige.

Pursuant to the 9th joint rule, Mr. Speaker announced the order of business of third reading of bills.

The bill entitled "An act to amend chapter 77 of the Laws of 1870, and chapter 536 of the Laws of 1871, passed respectively March 16, 1870, and April 15, 1871, entitled 'An act to amend the act to combine into one act the several acts relating to the city of Albany,' passed April 12, 1842, and the several acts amendatory thereof, in so far as they relate to the city of Albany," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.



{ AYES 78 }  
{ NOES 2 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Dykeman     | Holdridge  | Morton     | Snyder          |
| Alvord        | Enos        | Houghton   | Moseley    | Speaker         |
| D. L. Babcock | Fort        | Hungerford | Moulton    | Springsted      |
| Badeau        | Fowler      | Husted     | Murdock    | Squires         |
| Beckwith      | Geib        | Hyatt      | Osgood     | Swain           |
| E. E. Brown   | Goss        | Kennedy    | Pierce     | Tobey           |
| I. D. Brown   | Green       | Kilian     | Ray        | D. Tomkins      |
| Buckley       | Greenhalgh  | Kingsland  | Rose       | Tucker          |
| Buell         | Gregory     | Knapp      | Sage       | A. L. Van Dusen |
| Burns         | Haight      | Lincoln    | Shepardson | W. J. Van Dusen |
| Burritt       | Hart        | Lippitt    | Simson     | West            |
| Campbell      | Hawkins     | G. D. Lord | Smiley     | Whitbeck        |
| Chambers      | A. L. Hayes | G. P. Lord | Smith      | Wiley           |
| Couchman      | Healy       | Loughran   | Smyth      | Woolsey         |
| Crandall      | Herrick     | Lynde      | Sniper     | Yeomans         |
| Dunphy        | D. B. Hill  | Mackay     |            |                 |

Those who voted in the negative, were

Chamberlain A. Hill

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to repeal section 10, chapter 574, Laws of 1871, entitled 'An act to amend an act entitled An act to reorganize the local government of the city of New York,' passed April 5, 1870, passed April 18, 1871," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 74 }  
{ NOES 8 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Fowler      | Hungerford | Morton     | Speaker         |
| Alvord        | Geib        | Husted     | Mosher     | Springsted      |
| D. L. Babcock | Goss        | Hyatt      | Moulton    | Squires         |
| Badeau        | Green       | Jacobs     | Niles      | Swain           |
| Beckwith      | Greenhalgh  | Kennedy    | Pierce     | Tobey           |
| Bemus         | Gregory     | Kilian     | Ray        | D. Tomkins      |
| E. E. Brown   | Haight      | Kingsland  | Rose       | Tucker          |
| I. D. Brown   | Hart        | Knapp      | Sage       | A. L. Van Dusen |
| Burns         | Hawkins     | Lincoln    | Shepardson | W. J. Van Dusen |
| Burritt       | A. L. Hayes | Lippitt    | Simson     | West            |
| Crandall      | J. Hayes    | G. D. Lord | Smiley     | Whitbeck        |
| Dunphy        | Herrick     | G. P. Lord | Smith      | Wiley           |
| Dykeman       | D. B. Hill  | Loughran   | Smyth      | Woolsey         |
| Enos          | Holdridge   | Lynde      | Sniper     | Yeomans         |
| Fort          | Houghton    | Mackay     | Snyder     |                 |

Those who voted in the negative, were

Buckley Campbell Chambers Couchman A. Hill  
Buell Chamberlain Cook

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to incorporate the New York City Central Underground Railway Company, and to authorize the said company to construct and operate a certain underground railway in the city of New York,' passed April 17, 1868, being chapter 230 of the Laws of 1868, and the act amending the same, passed May 11, 1869, being chapter 824 of the Laws of 1869," being announced for a third reading,

On motion of Mr. Husted, said bill was laid aside for the present.

The bill entitled "An act to authorize the trustees of the village of Andes, in Delaware county, to proceed to protect said village from the effect of high water, and to raise money to pay for the same; also to amend chapter 731 of Laws of 1865, in relation thereto," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Alberger      | Crandall   | D. B. Hill | Mackay     | Sniper          |
| Alvord        | Dunphy     | Holdridge  | Morton     | Snyder          |
| D. L. Babcock | Dykeman    | Houghton   | Moseley    | Speaker         |
| Badeau        | Enos       | Hungerford | Mosher     | Springsted      |
| Beckwith      | Fort       | Husted     | Moulton    | Squires         |
| Bemus         | Fowler     | Hyatt      | Murdock    | Swain           |
| E. E. Brown   | Geib       | Jacobs     | Osgood     | Tobey           |
| I. D. Brown   | Goss       | Kennedy    | Pierce     | D. Tomkins      |
| Buckley       | Green      | Kilian     | Ray        | Tucker          |
| Buell         | Greenhalgh | Kingsland  | Rose       | A. L. Van Dusen |
| Burns         | Gregory    | Knapp      | Sage       | W. J. Van Dusen |
| Burritt       | Haight     | Lincoln    | Shepardson | West            |
| Campbell      | Hart       | Lippitt    | Simson     | Whitbeck        |
| Chamberlain   | Hawkins    | G. D. Lord | Smiley     | Wiley           |
| Chambers      | Healy      | G. P. Lord | Smith      | Woolsey         |
| Cook          | Herrick    | Loughran   | Smyth      | Yeomans         |
| Couchman      | A. Hill    | Lynde      |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to extend the powers of the boards of supervisors, except in the counties of New York and Kings,' passed May 11, 1869," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 79 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |          |            |          |            |
|---------------|----------|------------|----------|------------|
| Alberger      | Couchman | Healy      | Loughran | Snyder     |
| Alvord        | Crandall | Herrick    | Lynde    | Speaker    |
| D. L. Babcock | Dunphy   | A. Hill    | Mackay   | Springsted |
| Badeau        | Dykeman  | D. B. Hill | Morton   | Squires    |
| Beckwith      | Enos     | Holdridge  | Moseley  | Swain      |

|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| Bemus       | Fort        | Houghton   | Moulton    | Tobey           |
| E. E. Brown | Fowler      | Hungerford | Murdock    | D. Tomkins      |
| I. D. Brown | Geib        | Husted     | Osgood     | Tucker          |
| Buckley     | Goss        | Hyatt      | Pierce     | A. L. Van Dusen |
| Buell       | Green       | Jacobs     | Ray        | W. J. Van Dusen |
| Burns       | Greenhalgh  | Kennedy    | Shepardson | West            |
| Burritt     | Gregory     | Kingsland  | Simson     | Whitbeck        |
| Campbell    | Haight      | Knapp      | Smiley     | Wiley           |
| Chamberlain | Hart        | Lincoln    | Smith      | Woolsey         |
| Chambers    | Hawkins     | Lippitt    | Smyth      | Yeomans         |
| Cook        | A. L. Hayes | G. P. Lord | Sniper     |                 |

For the negative

Rose

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to appropriate money for the building of a bridge over the Cayuga inlet, in the village of Ithaca," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 77 }  
{ NOES 2 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Couchman    | Healy      | Lippitt    | Smith           |
| Alvord        | Crandall    | Herrick    | G. D. Lord | Smyth           |
| D. L. Babcock | Dunphy      | A. Hill    | G. P. Lord | Snyder          |
| Badeau        | Dykeman     | D. B. Hill | Lynde      | Speaker         |
| Beckwith      | Enos        | Holdridge  | Mackay     | Springsted      |
| Bemus         | Fort        | Houghton   | Morton     | Squires         |
| E. E. Brown   | Fowler      | Hungerford | Moseley    | Swain           |
| I. D. Brown   | Geib        | Husted     | Moulton    | Tobey           |
| Buckley       | Goss        | Hyatt      | Murdock    | D. Tomkins      |
| Buell         | Green       | Jacobs     | Osgood     | A. L. Van Dusen |
| Burns         | Greenhalgh  | Kennedy    | Pierce     | W. J. Van Dusen |
| Burritt       | Gregory     | Kilian     | Ray        | West            |
| Campbell      | Haight      | Kingsland  | Shepardson | Whitbeck        |
| Chamberlain   | Hart        | Knapp      | Simson     | Woolsey         |
| Chambers      | Hawkins     | Lincoln    | Smiley     | Yeomans         |
| Cook          | A. L. Hayes |            |            |                 |

Those who voted in the negative, were

Loughran      Rose

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend the act entitled 'An act to provide for laying out and improving roads and avenues in the village and town of Saratoga Springs,' passed May 5, 1870," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.



{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Crandall    | D. B. Hill | Mackay     | Sniper          |
| Alvord        | Dunphy      | Holdridge  | Morton     | Snyder          |
| D. L. Babcock | Dykeman     | Houghton   | Moseley    | Speaker         |
| Badeau        | Enos        | Hungerford | Mosher     | Springsted      |
| Beckwith      | Fort        | Husted     | Moulton    | Squires         |
| Bemus         | Fowler      | Hyatt      | Murdock    | Swain           |
| E. E. Brown   | Geib        | Jacobs     | Osgood     | Tobey           |
| I. D. Brown   | Goss        | Kennedy    | Pierce     | D. Tomkins      |
| Buckley       | Green       | Kilian     | Ray        | Tucker          |
| Buell         | Greenhalgh* | Kingsland  | Rose       | A. L. Van Dusen |
| Burns         | Gregory     | Knapp      | Sage       | W. J. Van Dusen |
| Burritt       | Haight      | Lincoln    | Shepardson | West            |
| Campbell      | Hart        | Lippitt    | Simson     | Whitbeck        |
| Chamberlain   | Hawkins     | G. D. Lord | Smiley     | Wiley           |
| Chambers      | A. L. Hayes | G. P. Lord | Smith      | Woolsey         |
| Cook          | Healy       | Loughran   | Smyth      | Yeomans         |
| Couchman      | A. Hill     | Lynde      |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to incorporate the Buffalo East Side Street Railway Company,' passed May 10, 1870," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 80 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Couchman    | A. Hill    | Loughran   | Smyth           |
| Alvord        | Crandall    | D. B. Hill | Lynde      | Sniper          |
| D. L. Babcock | Dunphy      | Holdridge  | Mackay     | Snyder          |
| Badeau        | Dykeman     | Houghton   | Morton     | Speaker         |
| Beckwith      | Enos        | Hungerford | Moseley    | Springsted      |
| Bemus         | Fort        | Husted     | Mosher     | Squires         |
| E. E. Brown   | Fowler      | Hyatt      | Moulton    | Swain           |
| I. D. Brown   | Geib        | Jacobs     | Murdock    | Tobey           |
| Buckley       | Goss        | Kennedy    | Osgood     | D. Tomkins      |
| Buell         | Green       | Kilian     | Pierce     | Tucker          |
| Burns         | Greenhalgh  | Kingsland  | Ray        | A. L. Van Dusen |
| Burritt       | Gregory     | Knapp      | Rose       | W. J. Van Dusen |
| Campbell      | Haight      | Lincoln    | Shepardson | West            |
| Chamberlain   | Hart        | Lippitt    | Simson     | Whitbeck        |
| Chambers      | Hawkins     | G. D. Lord | Smiley     | Woolsey         |
| Cook          | A. L. Hayes | G. P. Lord | Smith      | Yeomans         |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to ascertain by proper proofs who are entitled to vote upon certificates of naturalization, purporting to have been issued within the city and county of New York by the supreme court during the month of October, in the year 1868, and by the superior court during the months of September and October of said year," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof.

{ AYES 31 }  
{ NOES 50 }

Those who voted in the affirmative, were

|             |           |           |            |                 |
|-------------|-----------|-----------|------------|-----------------|
| Alberger    | Gregory   | Kennedy   | Osgood     | Speaker         |
| Beckwith    | Haight    | Kingsland | Shepardson | Springsted      |
| E. E. Brown | Hawkins   | Lynde     | Simson     | Squires         |
| I. D. Brown | Holdridge | Morton    | Smiley     | Swain           |
| Enos        | Houghton  | Moulton   | Smith      | Tobey           |
| Fort        | Hyatt     | Murdock   | Snyder     | A. L. Van Dusen |
| Goss        |           |           |            |                 |

Those who voted in the negative, were

|               |            |             |            |                 |
|---------------|------------|-------------|------------|-----------------|
| Alvord        | Chambers   | A. L. Hayes | Lincoln    | Sage            |
| D. L. Babcock | Cook       | J. Hayes    | G. D. Lord | Smyth           |
| Badeau        | Couchman   | Healy       | G. P. Lord | Sniper          |
| Bemus         | Crandall   | A. Hill     | Loughran   | D. Tomkins      |
| Buckley       | Dunphy     | D. B. Hill  | Mackay     | Tucker          |
| Buell         | Dykeman    | Hungerford  | Moseley    | W. J. Van Dusen |
| Burns         | Fowler     | Husted      | Mosher     | Whitbeck        |
| Burritt       | Geib       | Jacobs      | Pierce     | Wiley           |
| Campbell      | Greenhalgh | Kilian      | Ray        | Woolsey         |
| Chamberlain   | Hart       | Knapp       | Rose       | Yeomans         |

Mr. Hawkins moved to reconsider said vote, and that that motion lay on the table.

Mr. Speaker put the question whether the House would agree to said motion to lay on the table, and it was determined in the affirmative.

{ AYES 44 }  
{ NOES 38 }

Those who voted in the affirmative, were

|               |           |           |            |                 |
|---------------|-----------|-----------|------------|-----------------|
| Alberger      | Fort      | Kennedy   | Murdock    | Snyder          |
| D. L. Babcock | Fowler    | Kilian    | Osgood     | Speaker         |
| Beckwith      | Goss      | Kingsland | Rose       | Springsted      |
| E. E. Brown   | Gregory   | Knapp     | Sage       | Swain           |
| I. D. Brown   | Haight    | Lincoln   | Shepardson | Tobey           |
| Burns         | Hawkins   | Lippitt   | Simson     | A. L. Van Dusen |
| Crandall      | Holdridge | Lynde     | Smiley     | Whitbeck        |
| Dykeman       | Houghton  | Morton    | Smith      | Woolsey         |
| Enos          | Hyatt     | Moulton   | Smyth      |                 |

Those who voted in the negative, were

|             |            |             |            |                 |
|-------------|------------|-------------|------------|-----------------|
| Alvord      | Chambers   | A. L. Hayes | G. D. Lord | Ray             |
| Badeau      | Cook       | J. Hayes    | G. P. Lord | Sniper          |
| Bemus       | Couchman   | Healy       | Loughran   | D. Tomkins      |
| Buckley     | Dunphy     | A. Hill     | Mackay     | Tucker          |
| Buell       | Geib       | D. B. Hill  | Moseley    | W. J. Van Dusen |
| Burritt     | Green      | Hungerford  | Mosher     | Wiley           |
| Campbell    | Greenhalgh | Husted      | Pierce     | Yeomans         |
| Chamberlain | Hart       | Jacobs      |            |                 |

The bill entitled "An act in relation to the East and West Martinsburgh burial-grounds," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a

majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 76 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Crandall    | A. Hill    | Loughran   | Smyth           |
| Alvord        | Dunphy      | D. B. Hill | Lynde      | Sniper          |
| D. L. Babcock | Dykeman     | Holdridge  | Mackay     | Speaker         |
| Badeau        | Enos        | Houghton   | Morton     | Springsted      |
| Beckwith      | Fort        | Hungerford | Mosher     | Squires         |
| Bemus         | Fowler      | Husted     | Moulton    | Swain           |
| E. E. Brown   | Goss        | Hyatt      | Murdock    | Tobey           |
| I. D. Brown   | Green       | Jacobs     | Osgood     | D. Tomkins      |
| Buckley       | Greenhalgh  | Kennedy    | Pierce     | Tucker          |
| Buell         | Gregory     | Kilian     | Ray        | A. L. Van Dusen |
| Burritt       | Haight      | Kingsland  | Rose       | W. J. Van Dusen |
| Campbell      | Hart        | Knapp      | Shepardson | Whitbeck        |
| Chamberlain   | Hawkins     | Lincoln    | Simson     | Wiley           |
| Chambers      | A. L. Hayes | Lippitt    | Smiley     | Woolsey         |
| Cook          | Healy       | G. P. Lord | Smith      | Yeomans         |
| Couchman      |             |            |            |                 |

For the negative

Geib

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend section 2 of chapter 890 of the Laws of 1868, entitled 'An act to authorize Lewis Runyon to establish and maintain a ferry across Seneca lake at Lodi landing,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 76 }  
{ NOES 2 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Alberger      | Dunphy     | D. B. Hill | Loughran   | Smith           |
| Alvord        | Dykeman    | Holdridge  | Lynde      | Smyth           |
| D. L. Babcock | Enos       | Houghton   | Mackay     | Sniper          |
| Badeau        | Fort       | Hungerford | Morton     | Snyder          |
| Beckwith      | Fowler     | Husted     | Moseley    | Speaker         |
| Bemus         | Geib       | Hyatt      | Mosher     | Springsted      |
| E. E. Brown   | Goss       | Jacobs     | Moulton    | Squires         |
| I. D. Brown   | Green      | Kennedy    | Murdock    | Swain           |
| Buell         | Greenhalgh | Kilian     | Osgood     | Tobey           |
| Burns         | Gregory    | Kingsland  | Pierce     | D. Tomkins      |
| Burritt       | Haight     | Knapp      | Ray        | Tucker          |
| Campbell      | Hart       | Lincoln    | Rose       | A. L. Van Dusen |
| Chambers      | Hawkins    | Lippitt    | Shepardson | W. J. Van Dusen |
| Cook          | Healy      | G. D. Lord | Simson     | Whitbeck        |
| Couchman      | A. Hill    | G. P. Lord | Smiley     | Yeomans         |
| Crandall      |            |            |            |                 |

Those who voted in the negative, were

Buckley      Chamberlain

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.



The bill entitled "An act authorizing John Rosekrans, of Wayland, in the county of Steuben, to remove the remains of certain persons buried on his premises to the Wayland cemetery, in said town," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof.

{ AYES 77 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Couchman    | Healy      | G. D. Lord | Simson          |
| Alvord        | Crandall    | A. Hill    | G. P. Lord | Smiley          |
| D. L. Babcock | Dunphy      | D. B. Hill | Loughran   | Smith           |
| Badeau        | Dykeman     | Holdridge  | Lynde      | Smyth           |
| Beckwith      | Enos        | Houghton   | Mackay     | Sniper          |
| Bemus         | Fort        | Hungerford | Morton     | Snyder          |
| E. E. Brown   | Fowler      | Husted     | Moseley    | Squires         |
| I. D. Brown   | Geib        | Hyatt      | Mosher     | Swain           |
| Buckley       | Goss        | Jacobs     | Moulton    | Tobey           |
| Buell         | Green       | Kennedy    | Murdock    | D. Tomkins      |
| Burns         | Greenhalgh  | Kilian     | Osgood     | Tucker          |
| Burritt       | Gregory     | Kingsland  | Pierce     | A. L. Van Dusen |
| Campbell      | Haight      | Knapp      | Ray        | W. J. Van Dusen |
| Chamberlain   | Hart        | Lincoln    | Rose       | Wiley           |
| Chambers      | Hawkins     | Lippitt    | Shepardson | Yeomans         |
| Cook          | A. L. Hayes |            |            |                 |

For the negative

Speaker

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to allow the town of Bethany, Genesee county, to raise an increased amount of money for the support of roads and bridges in said town," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |            |            |            |                 |
|---------------|------------|------------|------------|-----------------|
| Alberger      | Crandall   | D. B. Hill | Lynde      | Smyth           |
| Alvord        | Dunphy     | Holdridge  | Mackay     | Sniper          |
| D. L. Babcock | Dykeman    | Houghton   | Morton     | Snyder          |
| Badeau        | Enos       | Hungerford | Moseley    | Speaker         |
| Beckwith      | Fort       | Husted     | Mosher     | Springsted      |
| Bemus         | Fowler     | Hyatt      | Moulton    | Squires         |
| E. E. Brown   | Geib       | Jacobs     | Murdock    | Swain           |
| I. D. Brown   | Goss       | Kennedy    | Osgood     | Tobey           |
| Buckley       | Green      | Kilian     | Pierce     | D. Tomkins      |
| Buell         | Greenhalgh | Kingsland  | Ray        | Tucker          |
| Burns         | Gregory    | Knapp      | Rose       | A. L. Van Dusen |
| Burritt       | Haight     | Lincoln    | Sage       | W. J. Van Dusen |
| Campbell      | Hart       | Lippitt    | Shepardson | Whitbeck        |
| Chamberlain   | Hawkins    | G. D. Lord | Simson     | Wiley           |

|          |             |            |        |         |
|----------|-------------|------------|--------|---------|
| Chambers | A. L. Hayes | G. P. Lord | Smiley | Woolsey |
| Cook     | Healy       | Loughran   | Smith  | Yeomans |
| Couchman | A. Hill     |            |        |         |

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act to provide for the improvement of the highways extending from Lansing street, Genesee street and Caroline avenue, in the village of West Troy, to the Loudon road, in the town of Watervliet (highways lying in part in the town of Watervliet, and in part in the village of West Troy), and to authorize the board of supervisors of the county of Albany to assess the expenses thereof upon said town," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Crandall    | A. Hill    | Lynde      | Sniper          |
| Alvord        | Dunphy      | D. B. Hill | Mackay     | Snyder          |
| D. L. Babcock | Dykeman     | Holdridge  | Morton     | Speaker         |
| Badeau        | Enos        | Houghton   | Moseley    | Springsted      |
| Beckwith      | Fort        | Hungerford | Mosher     | Squires         |
| Bemus         | Fowler      | Husted     | Moulton    | Swain           |
| E. E. Brown   | Geib        | Hyatt      | Murdock    | Tobey           |
| I. D. Brown   | Goss        | Jacobs     | Osgood     | D. Tomkins      |
| Buckley       | Green       | Kennedy    | Pierce     | Tucker          |
| Buell         | Greenhalgh  | Kilian     | Ray        | A. L. Van Dusen |
| Burns         | Gregory     | Kingsland  | Rose       | W. J. Van Dusen |
| Burritt       | Haight      | Knapp      | Sage       | West            |
| Campbell      | Hart        | Lincoln    | Shepardson | Whitbeck        |
| Chamberlain   | Hawkins     | Lippitt    | Simson     | Wiley           |
| Chambers      | A. L. Hayes | G. D. Lord | Smiley     | Woolsey         |
| Cook          | Healy       | G. P. Lord | Smith      | Yeomans         |
| Couchman      | Herrick     | Loughran   | Smyth      |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to erect an armory in Greenpoint, seventeenth ward, in the city of Brooklyn," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 84 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |          |            |         |            |
|---------------|----------|------------|---------|------------|
| Alberger      | Crandall | A. Hill    | Lynde   | Sniper     |
| Alvord        | Dunphy   | D. B. Hill | Mackay  | Snyder     |
| D. L. Babcock | Dykeman  | Holdridge  | Morton  | Speaker    |
| Badeau        | Enos     | Houghton   | Moseley | Springsted |
| Beckwith      | Fort     | Hungerford | Mosher  | Squires    |
| Bemus         | Fowler   | Husted     | Moulton | Swain      |
| E. E. Brown   | Geib     | Hyatt      | Murdock | Tobey      |
| I. D. Brown   | Goss     | Jacobs     | Osgood  | D. Tomkins |

|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| Buckley     | Green       | Kennedy    | Pierce     | Tucker          |
| Buell       | Greenhalgh  | Kilian     | Ray        | A. L. Van Dusen |
| Burns       | Gregory     | Kingsland  | Rose       | W. J. Van Dusen |
| Burritt     | Haight      | Knapp      | Sage       | West            |
| Campbell    | Hart        | Lincoln    | Shepardson | Whitbeck        |
| Chamberlain | Hawkins     | Lippitt    | Simson     | Wiley           |
| Chambers    | A. L. Hayes | G. D. Lord | Smiley     | Woolsey         |
| Cook        | Healy       | G. P. Lord | Smith      | Yeomans         |
| Couchman    | Herrick     | Loughran   | Smyth      |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act for the relief of Thomas O'Brien," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 83 }  
{ NOES 00 }

Those who voted in the affirmative, were

|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| Alberger    | Dunphy      | D. B. Hill | Mackay     | Sniper          |
| Alvord      | Dykeman     | Holdridge  | Morton     | Snyder          |
| Badeau      | Enos        | Houghton   | Moseley    | Speaker         |
| Beckwith    | Fort        | Hungerford | Mosher     | Springsted      |
| Bemus       | Fowler      | Husted     | Moulton    | Squires         |
| E. E. Brown | Goring      | Hyatt      | Murdock    | Swain           |
| I. D. Brown | Goss        | Jacobs     | Osgood     | Tobey           |
| Buckley     | Green       | Kennedy    | Pierce     | D. Tomkins      |
| Buell       | Greenhalgh  | Kilian     | Ray        | Tucker          |
| Burns       | Gregory     | Kingsland  | Rose       | A. L. Van Dusen |
| Burritt     | Haight      | Knapp      | Sage       | W. J. Van Dusen |
| Campbell    | Hart        | Lincoln    | Shepardson | West            |
| Chamberlain | Hawkins     | Lippitt    | Simson     | Whitbeck        |
| Chambers    | A. L. Hayes | G. D. Lord | Smiley     | Wiley           |
| Cook        | Healy       | G. P. Lord | Smith      | Woolsey         |
| Couchman    | Herrick     | Loughran   | Smyth      | Yeomans         |
| Crandall    | A. Hill     | Lynde      |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The Senate bill entitled "An act to amend an act entitled 'An act to supply the village of Middletown with water for public and private purposes,' passed April 3, 1866," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 1 }

Those who voted in the affirmative, were

|               |         |            |         |            |
|---------------|---------|------------|---------|------------|
| Alberger      | Dykeman | D. B. Hill | Mackay  | Sniper     |
| Alvord        | Enos    | Holdridge  | Morton  | Snyder     |
| D. L. Babcock | Fort    | Houghton   | Moseley | Speaker    |
| Badeau        | Fowler  | Hungerford | Mosher  | Springsted |
| Beckwith      | Geib    | Husted     | Moulton | Squires    |
| Bemus         | Goss    | Hyatt      | Murdock | Swain      |



|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| E. E. Brown | Green       | Kennedy    | Osgood     | Tobey           |
| I. D. Brown | Greenhalgh  | Kilian     | Pierce     | D. Tomkins      |
| Buckley     | Gregory     | Kingsland  | Ray        | Tucker          |
| Buell       | Haight      | Knapp      | Rose       | A. L. Van Dusen |
| Burns       | Hart        | Lincoln    | Sage       | W. J. Van Dusen |
| Burritt     | Hawkins     | Lippitt    | Shepardson | West            |
| Chambers    | A. L. Hayes | G. D. Lord | Simson     | Whitbeck        |
| Cook        | Healy       | G. P. Lord | Smiley     | Wiley           |
| Couchman    | Herrick     | Loughran   | Smith      | Woolsey         |
| Crandall    | A. Hill     | Lynde      | Smyth      | Yeomans         |
| Dunphy      |             |            |            |                 |

For the negative.

Jacobs

*Ordered*, That the Clerk return said bill to the Senate, with a message informing that the Assembly have passed the same.

The bill entitled "An act concerning certain female habitual drunkards, vagrants and prostitutes, in the city of Brooklyn and county of Kings," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 2 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Crandall    | D. B. Hill | Lynde      | Sniper          |
| Alvord        | Dykeman     | Holdridge  | Morton     | Snyder          |
| D. L. Babcock | Enos        | Houghton   | Moseley    | Speaker         |
| Badeau        | Fort        | Hungerford | Mosher     | Springsted      |
| Beckwith      | Fowler      | Husted     | Moulton    | Squires         |
| Bemus         | Geib        | Hyatt      | Murdock    | Swain           |
| E. E. Brown   | Goss        | Jacobs     | Osgood     | Tobey           |
| I. D. Brown   | Green       | Kennedy    | Pierce     | D. Tomkins      |
| Buckley       | Greenhalgh  | Kilian     | Preston    | Tucker          |
| Buell         | Gregory     | Kingsland  | Ray        | A. L. Van Dusen |
| Burns         | Hart        | Knapp      | Rose       | W. J. Van Dusen |
| Burritt       | Hawkins     | Lincoln    | Sage       | West            |
| Campbell      | A. L. Hayes | Lippitt    | Shepardson | Whitbeck        |
| Chamberlain   | Healy       | G. D. Lord | Simson     | Wiley           |
| Chambers      | Herrick     | G. P. Lord | Smiley     | Woolsey         |
| Cook          | A. Hill     | Loughran   | Smith      | Yeomans         |
| Couchman      |             |            |            |                 |

Those who voted in the negative, were

Mackay      Smyth

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to incorporate the Elmira Park Association,' passed April 13, 1871," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Crandall    | D. B. Hill | Lynde      | Smyth           |
| Alvord        | Dunphy      | Holdridge  | Mackay     | Sniper          |
| D. L. Babcock | Dykeman     | Houghton   | Morton     | Snyder          |
| Badeau        | Enos        | Hungerford | Moseley    | Speaker         |
| Beckwith      | Fort        | Husted     | Mosher     | Springsted      |
| Bemus         | Fowler      | Hyatt      | Murdock    | Squires         |
| E. E. Brown   | Goss        | Jacobs     | Osgood     | Swain           |
| I. D. Brown   | Green       | Kennedy    | Pierce     | Tobey           |
| Buckley       | Greenhalgh  | Killian    | Preston    | D. Tomkins      |
| Buell         | Gregory     | Kingsland  | Ray        | Tucker          |
| Burns         | Haight      | Knapp      | Rose       | A. L. Van Dusen |
| Burritt       | Hart        | Lincoln    | Sage       | W. J. Van Dusen |
| Campbell      | Hawkins     | Lippitt    | Shepardson | West            |
| Chamberlain   | A. L. Hayes | G. D. Lord | Simson     | Whitbeck        |
| Chambers      | Herrick     | G. P. Lord | Smiley     | Wiley           |
| Cook          | A. Hill     | Loughran   | Smith      | Yeomans         |
| Couchman      |             |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to enable non-resident guardians to obtain property in this State belonging to their wards residing in other States or territories of the United States,' passed March 10, 1870, and to extend the provisions of said act so as to apply to non-resident trustees and beneficiaries under the trust," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 82 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Crandall    | Holdridge  | Mackay     | Smyth           |
| Alvord        | Dunphy      | Houghton   | Morton     | Sniper          |
| D. L. Babcock | Dykeman     | Hungerford | Moseley    | Snyder          |
| Badeau        | Enos        | Husted     | Mosher     | Speaker         |
| Beckwith      | Fort        | Hyatt      | Moulton    | Squires         |
| Bemus         | Fowler      | Jacobs     | Murdock    | Swain           |
| E. E. Brown   | Goss        | Kennedy    | Osgood     | Tobey           |
| I. D. Brown   | Green       | Kilian     | Pierce     | D. Tomkins      |
| Buckley       | Greenhalgh  | Kingsland  | Preston    | Tucker          |
| Buell         | Gregory     | Knapp      | Ray        | A. L. Van Dusen |
| Burns         | Haight      | Lincoln    | Rose       | W. J. Van Dusen |
| Burritt       | Hart        | Lippitt    | Sage       | West            |
| Campbell      | A. L. Hayes | G. D. Lord | Shepardson | Whitbeck        |
| Chamberlain   | Healy       | G. P. Lord | Simson     | Wiley           |
| Chambers      | Herrick     | Loughran   | Smiley     | Woolsey         |
| Cook          | A. Hill     | Lynde      | Smith      | Yeomans         |
| Couchman      | D. B. Hill  |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act in relation to mechanics' liens," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 75 }  
{ NOES 4 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Couchman    | Healy      | Lippitt    | Smith           |
| D. L. Babcock | Crandall    | Herrick    | G. P. Lord | Sniper          |
| Badeau        | Dunphy      | A. Hill    | Lynde      | Snyder          |
| Beckwith      | Dykeman     | D. B. Hill | Mackay     | Speaker         |
| Bemus         | Enos        | Holdridge  | Morton     | Squires         |
| E. E. Brown   | Fort        | Houghton   | Moseley    | Swain           |
| I. D. Brown   | Fowler      | Hungerford | Mosher     | D. Tomkins      |
| Buckley       | Geib        | Husted     | Moulton    | Tucker          |
| Buell         | Goss        | Hyatt      | Murdock    | A. L. Van Dusen |
| Burns         | Green       | Jacobs     | Pierce     | W. J. Van Dusen |
| Burritt       | Greenhalgh  | Kennedy    | Rose       | West            |
| Campbell      | Gregory     | Kilian     | Sage       | Whitbeck        |
| Chamberlain   | Haight      | Kingsland  | Shepardson | Wiley           |
| Chambers      | Hawkins     | Knapp      | Simson     | Woolsey         |
| Cook          | A. L. Hayes | Lincoln    | Smiley     | Yeomans         |

Those who voted in the negative, were

|        |          |         |     |
|--------|----------|---------|-----|
| Alvord | Loughran | Preston | Ray |
|--------|----------|---------|-----|

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the village of Lansingburgh,' passed April 16, 1864," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Crandall    | D. B. Hill | Mackay     | Smyth           |
| Alvord        | Dunphy      | Holdridge  | Morton     | Sniper          |
| D. L. Babcock | Dykeman     | Houghton   | Moseley    | Snyder          |
| Badeau        | Enos        | Hungerford | Mosher     | Speaker         |
| Beckwith      | Fort        | Husted     | Moulton    | Squires         |
| Bemus         | Fowler      | Hyatt      | Murdock    | Swain           |
| E. E. Brown   | Goss        | Jacobs     | Osgood     | Tobey           |
| I. D. Brown   | Green       | Kennedy    | Pierce     | D. Tomkins      |
| Buckley       | Greenhalgh  | Kilian     | Preston    | Tucker          |
| Buell         | Gregory     | Kingsland  | Ray        | A. L. Van Dusen |
| Burns         | Haight      | Knapp      | Rose       | W. J. Van Dusen |
| Burritt       | Hawkins     | Lincoln    | Sage       | West            |
| Campbell      | A. L. Hayes | Lippitt    | Shepardson | Whitbeck        |
| Chamberlain   | Healy       | G. P. Lord | Simson     | Wiley           |
| Chambers      | Herrick     | Loughran   | Smiley     | Woolsey         |
| Cook          | A. Hill     | Lynde      | Smith      | Yeomans         |
| Couchman      |             |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.



The bill entitled "An act to authorize the county clerk of Montgomery county to sign the certificates of record of deeds and mortgages and other records, or of filing of papers recorded or filed in Montgomery county clerk's office, which were not signed by the former clerk of said county of Montgomery," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 81 }  
{ NOES 00 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Crandall    | A. Hill    | Lynde      | Smith           |
| Alvord        | Dunphy      | D. B. Hill | Mackay     | Smyth           |
| D. L. Babcock | Dykeman     | Holdridge  | Morton     | Sniper          |
| Badeau        | Enos        | Houghton   | Moseley    | Snyder          |
| Beckwith      | Fort        | Hungerford | Mosher     | Speaker         |
| Bemus         | Fowler      | Husted     | Moulton    | Squires         |
| E. E. Brown   | Geib        | Hyatt      | Murdock    | Swain           |
| I. D. Brown   | Goss        | Jacobs     | Osgood     | Tobey           |
| Buckley       | Green       | Kennedy    | Pierce     | Tucker          |
| Buel          | Greenhalgh  | Kilian     | Preston    | A. L. Van Dusen |
| Burns         | Gregory     | Kingsland  | Ray        | W. J. Van Dusen |
| Burritt       | Haight      | Knapp      | Rose       | West            |
| Campbell      | Hawkins     | Lincoln    | Sage       | Whitbeck        |
| Chamberlain   | A. L. Hayes | Lippitt    | Shepardson | Wiley           |
| Chambers      | Healy       | G. P. Lord | Simson     | Woolsey         |
| Cook          | Herrick     | Loughran   | Smiley     | Yeomans         |
| Couchman      |             |            |            |                 |

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to repeal chapter 287, of the Laws of 1871, passed April 4, 1871, entitled 'An act to amend the law for the assessment and collection of taxes in cases where farms or lots are divided by county lines,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

{ AYES 78 }  
{ NOES 2 }

Those who voted in the affirmative, were

|               |             |            |            |                 |
|---------------|-------------|------------|------------|-----------------|
| Alberger      | Dykeman     | Holdridge  | Moseley    | Sniper          |
| D. L. Babcock | Enos        | Houghton   | Mosher     | Snyder          |
| Badeau        | Fort        | Hyatt      | Moulton    | Speaker         |
| Beckwith      | Fowler      | Jacobs     | Murdock    | Squires         |
| Bemus         | Geib        | Kennedy    | Osgood     | Swain           |
| E. E. Brown   | Goss        | Kilian     | Pierce     | Tobey           |
| I. D. Brown   | Green       | Kingsland  | Preston    | D. Tomkins      |
| Buell         | Greenhalgh  | Knapp      | Ray        | Tucker          |
| Burns         | Gregory     | Lincoln    | Rose       | A. L. Van Dusen |
| Campbell      | Haight      | Lippitt    | Sage       | W. J. Van Dusen |
| Chamberlain   | Hawkins     | G. P. Lord | Shepardson | West            |
| Chambers      | A. L. Hayes | Loughran   | Simson     | Whitbeck        |
| Cook          | Healy       | Lynde      | Smiley     | Wiley           |
| Couchman      | Herrick     | Mackay     | Smith      | Woolsey         |
| Crandall      | A. Hill     | Morton     | Smyth      | Yeomans         |
| Dunphy        | D. B. Hill  |            |            |                 |

Those who voted in the negative, were

Alvord                      Buckley

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence therein.

The bill entitled "An act to amend an act entitled 'An act to organize a fire department and board of fire commissioners in the city of Troy,' passed April 13, 1861," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, when the vote was as follows:

{ AYES 65 }  
{ NOES 8 }

Those who voted in the affirmative, were

|             |             |            |            |                 |
|-------------|-------------|------------|------------|-----------------|
| Alberger    | Enos        | Holdridge  | Morton     | Smyth           |
| Alvord      | Fort        | Houghton   | Mosher     | Sniper          |
| Badeau      | Fowler      | Hungerford | Moulton    | Snyder          |
| Beckwith    | Geib        | Hyatt      | Murdock    | Speaker         |
| Bemus       | Goss        | Kennedy    | Pierce     | Squires         |
| E. E. Brown | Green       | Kilian     | Preston    | Swain           |
| I. D. Brown | Greenhalgh  | Knapp      | Ray        | Tucker          |
| Buckley     | Gregory     | Lincoln    | Rose       | A. L. Van Dusen |
| Buell       | Haight      | Lippitt    | Sage       | W. J. Van Dusen |
| Burns       | Hawkins     | G. P. Lord | Shepardson | West            |
| Chambers    | A. L. Hayes | Loughran   | Simson     | Whitbeck        |
| Cook        | Herrick     | Lynde      | Smiley     | Woolsey         |
| Crandall    | D. B. Hill  | Mackay     | Smith      | Yeomans         |

Those who voted in the negative, were

|             |          |         |        |         |
|-------------|----------|---------|--------|---------|
| Campbell    | Couchman | Healy   | Jacobs | Moseley |
| Chamberlain | Dunphy   | A. Hill |        |         |

A constitutional quorum not having voted on said bill, the same was laid aside.

On motion of Mr. Buckley, at 9 o'clock and 55 minutes, the House adjourned.

TUESDAY, APRIL 9, 1872.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Dysart.

On motion of Mr. Jacobs, the reading of the journal of yesterday was dispensed with.

Mr. Rose called from the table the report of the sub-committee of the whole, in favor of the passage of the bills entitled as follows:

"An act to amend an act entitled 'An act to incorporate the New Brighton Fire Engine Company No. 4,' passed April 19, 1859." [With an amendment.]

"An act to authorize the drainage and improvement of a part of the valley of the Saw-mill river, in the town of Yonkers, and laying of streets and roads in the same." [With amendments.]

"An act to extend and define the limits of the village of Hornellsville."

"An act in relation to the supreme court library at Binghamton."

"An act to authorize the board of supervisors of Franklin county to assess upon the town of Fort Covington five hundred dollars for the purpose of building sidewalks in said town."

"An act to legalize the acts of the railroad commissioners of the town of Hammond, St. Lawrence county."

"An act in relation to the alteration of town boundaries in the county of Franklin."

"An act to lay out, extend and improve Rush street in the nineteenth ward of the city of Brooklyn, and to alter the commissioners' map of said city."

"An act to amend an act entitled 'An act to authorize the supervisors of Monroe county to raise money to pay for the site of the State armory, in the city of Rochester, and to pay for the use of the rooms therein,' passed April 19, 1867."

"An act to revise and amend an act entitled 'An act to construct a road from Carthage, in Jefferson county, to lake Champlain.'" [With amendments.]

"An act to amend an act entitled 'An act to incorporate the city of Ogdensburgh,' passed April 27, 1868."

"An act to legalize the action of the town meeting of the town of West Turin, Lewis county, held on the 20th day of February, 1872."

"An act to amend section 1 of chapter 730 of the Laws of 1871, entitled 'An act in relation to highways in the county of Rockland.'"

Senate, "An act to lay out, open and grade Bay Ridge avenue, in the town of New Utrecht, in the county of Kings."

"An act to provide for the better education of minors employed in manufactories in this State." [With amendments.]

"An act to amend an act authorizing the trustees of the village of Mount Morris to subscribe to the capital stock of the Mount Morris Water-works Company," passed May 3, 1869."

Senate, "An act to regulate the compensation of the special county judge and special surrogate of Chautauqua county." [With amendments.]

"An act to authorize the board of education of union free school district No. 9, of the town of Mount Pleasant, to borrow money."

"An act to amend an act entitled 'An act to amend title 16, chapter 8, part 3 of the Revised Statutes, relative to proceedings for the drainage of swamp marshes and other low or wet lands, and for draining farm lands,' passed May 12, 1869." [With amendments.]

"An act to amend an act entitled 'An act to incorporate the city of Newburgh,' passed April 22, 1865, and the several acts amendatory thereof." [With amendments.]

Mr. Speaker put the question whether the House would agree to said report, and it was determined in the affirmative.

*Ordered*, That said bills be engrossed for a third reading.

On motion of Mr. A. Hill, and by unanimous consent,

*Resolved*, That the Assembly bill, No. 714, general order 823, entitled "An act to incorporate the Catskill Water Company," be referred to the sub-committee of the whole.

Mr. Rose presented the report of the sub-committee of the whole; which was laid on the table and ordered printed.

(See Doc. No. 138.)

The Speaker and Clerk submitted the following list of bills as proper to be referred to the sub-committee of the whole :



"An act to create in the city of Brooklyn and county of Kings, the department of public charities and correction, and to abolish the office of commissioners of charities of the county of Kings."

"An act in relation to the board of excise in the city of Brooklyn, and to reorganize the same."

"An act to amend section 3 of chapter 19 of Laws of 1821 to perpetuate certain testimony respecting the title of the Poultney estate in this State."

Senate, "An act to confirm the title of citizens of this State to lands for which they have heretofore taken conveyances from aliens."

Senate, "An act to amend the act entitled 'An act in relation to the qualifications of persons to be admitted to practice in the courts of this State as attorneys, solicitors and counselors,' passed April 13, 1871."

"An act to amend 'An act to authorize the imprisonment of convicts in the penitentiaries of Syracuse and Albany,' passed May 4, 1871."

Senate, "An act to authorize the comptroller of the city of New York to carry into effect certain powers and duties heretofore conferred upon the commissioners of the sinking fund of the said city."

"An act to amend and reduce to one act the several acts relating to buildings in the city of New York, passed May 4, 1866; May 17, 1867; May 5, 1868, and April 20, 1871."

"An act requiring the highway tax of the New York Central Railroad Company, through the town of Macedon, Wayne county, to be applied to the repairs of certain highways in said town."

"An act to provide for the improvement of Pleasant street, in the city of Utica and town of New Hartford, Oneida county, between Oneida street and Seymour avenue."

"An act relative to the care and education of deaf-mutes."

"An act for the relief of the New York Tunnel Company."

"An act providing for the copying of certain books in the office of the clerk of the city and county of New York, in which judgments and decrees are required by law to be docketed."

"An act to authorize the Blossburg Coal Company, the successors and assigns of the Bloss Coal Mining Company, 'a corporation organized and existing under the laws of the commonwealth of Pennsylvania,' to hold real estate for the purposes of its business."

"An act amending 'An act for the suppression of obscene literature, illustrations, advertisements, and articles of indecent or immoral use, and obscene advertisements of patent medicines,' passed April 28, 1868."

"An act to amend chapter 412 of Laws of 1864, entitled, 'An act to amend An act to provide for the registry of liens and encumbrances upon boats navigating the canals and rivers in this State,' passed April 15, 1858."

"An act to incorporate the proprietors of the Shinnecock hills and lands in the town of Southampton, in Suffolk county."

"An act to amend chapter 368 of the Laws of 1865, entitled 'An act for the incorporation of societies or clubs for certain social and recreative purposes,' and the several acts amendatory thereof."

"An act further to amend chapter 319 of the Laws of 1848, entitled 'An act for the incorporation of benevolent, charitable, scientific and missionary societies,' and the several acts amendatory thereof."

"An act to amend chapter 209 of the Laws of 1847, entitled 'An act in relation to cemeteries in incorporated villages.'"

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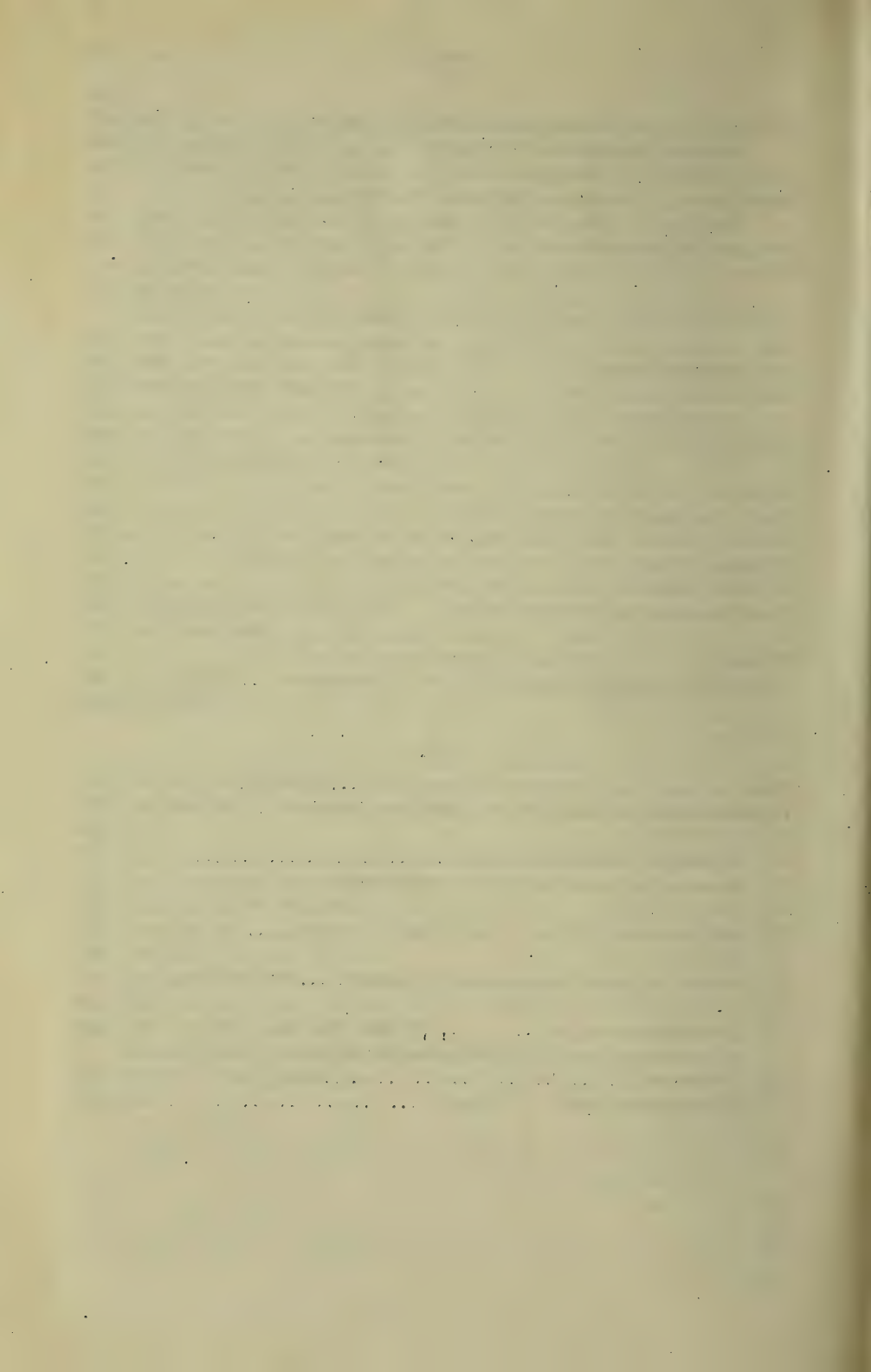
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